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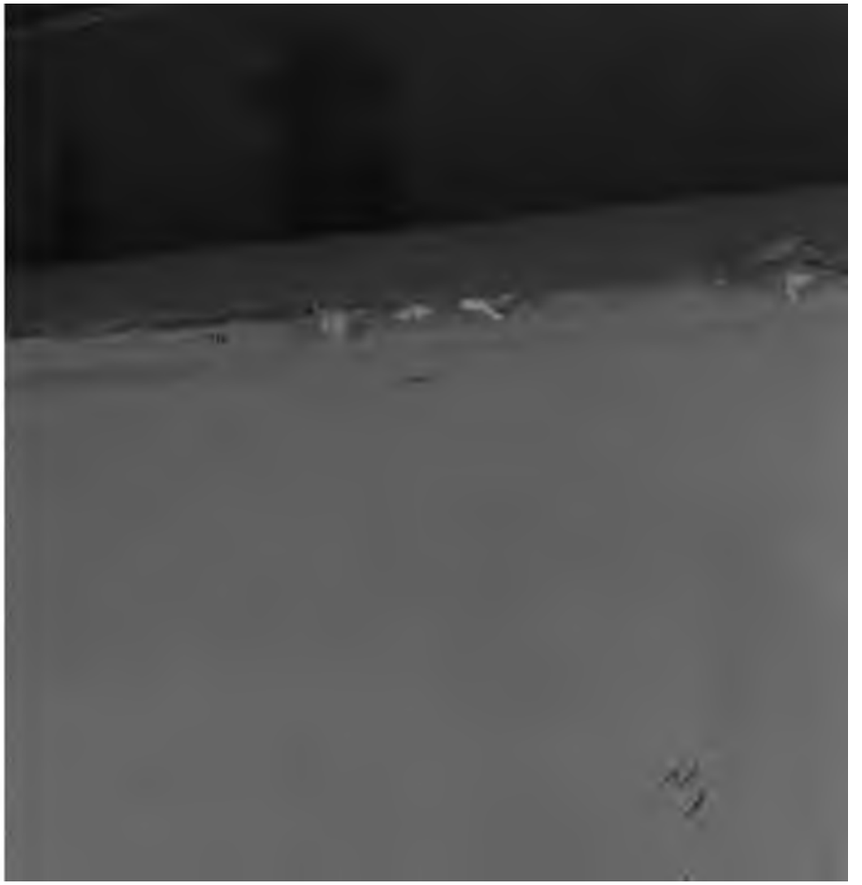

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NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

1859.

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CONTENTS.

PAGE
Introduction xxii
Sermon preached before the Association. Right Rev. LORD BISHOP OF RIPON 1
Opening Address. Right Hon. EARL OF SHAFTESBURY 9
Address by LORD BROUGHAM 26
Address on Jurisprudence. VICE-CHANCELLOR SIR W. PAGE WOOD 55
Address on Education. Right Hon. C. B. ADDERLEY, M.P. . . . 75
Address on Punishment and Reformation of Criminals. R. MONCKTON MILNES, M.P. 87
Address on Public Health. Right Hon. W. COWPER, M.P. . . . 106
Address on the Progress of Civilization in England. SIR JAMES KAY SHUTTLEWORTH, BART. 122
Report of the Standing Committee at Liverpool 152

SELECT PAPERS.

I. JURISPRUDENCE AND AMENDMENT OF THE LAW.

The Principles of Jurisprudence and Legislation.

The Social Condition of the People, as affecting and as affected by the Law. THOMAS CHAMBERS, Common Serjeant 159

The Method of Legislation.

On a Declaratory Code. EDWARD WEBSTER 166

The Administration of Justice.

On the recent Reforms in the Court of Chancery. W. T. S. DANIEL, Q.C. 169
A brief Statement of the leading Principles which it is thought should regulate the forms of Process in Suits in Civil Courts throughout the United Kingdom. HENRY KILGOUR . . . 181

Laws relating to Property.

PAGE
Charitable Trusts. VICE-CHANCELLOR SIR W. PAGE WOOD . . . 184
Transfer of Land: Registration of Title Deeds and Registration of Title. W. STRICKLAND COOKSON 192
The Yorkshire Registries of Deeds. J. E. DIBB 202
On the Proposed Changes in the Law of Bankruptcy and Insolvency. EDWARD FRY 206
On the Law of Collisions at Sea where Foreign Vessels are concerned. J. T. DANSON 216
The Publication of Preferential Securities: its necessity for Mercantile purposes and its Legality. MATTHEW JOHNSON . . . 224
The Fraudulent Imitation of Trade Marks. ARTHUR RYLAND . . 229
On the Protection of Property in Intellectual Labour, as embodied in Inventions, Books, Designs, and Pictures, by the amendment of the Laws of Patentright and Copyright. THOMAS WEBSTER 237
The Copyright of Designs as applicable to articles of Textile Manufacture. J. T. CLAY 244
Recordation adapted both to the purposes of Jurisprudence and the ascertainment and the amendment of the Law, and generally to the purposes of the Association for the Promotion of Social Science with a view to the realization of its Matters in a Scientific Form. ARTHUR SYMONDS 247

Summary.

Annual Report of the General Committee on Mercantile Legislation. GEORGE W. HASTINGS. 259
On the Law affecting Debtors and Creditors, and an Amendment of the Law of Bankruptcy. W. SIDNEY GIBSON 262
On the Incorporation of Chambers of Commerce. JOHN DARLINGTON 270
The Province of Legislation. J. CAMPBELL SMITH 271
On the Defects of Certain Provisions of the Patent Law Amendment Act, with Suggestions for their Removal. A. V. NEWTON . . 272
On International Copyright Property. T. R. BLAINE . . . . . ,,
On the Applications of Science to the Discovery of Crime, and Administration of Justice. JOHN LETHEBY, M.D. 273

II.—EDUCATION.

Upper and Middle Class Education.

Facts as to the extent to which the principle of Competition is at present applied to Appointments in the Civil Service. HORACE MANN 274

PAGE

On Competitive Examinations for the Civil Service. SIR STAFFORD NORTHCOTE, BART. M.P. 279

On some bearings that existing Circumstances, and particularly the period of time available for Education respectively in different classes, ought to have on our Educational Aims. Rev. BARHAM ZINCKE 287

On the Education of the Middle Classes. THOMAS DYKE ACLAND, Jun. 299

On Schools for Girls of the Middle Class. Rev. J. S. HOWSON . . 308

On Domestic Tuition; or, on the Nature and Extent of the Duties incumbent on Domestic Tutors. Professor PILLANS 316

The Education of the Working Classes.

I. ADULT EDUCATION.

On Working Men's Colleges. DAVID CHADWICK 323

The Mechanics' Institutes of Yorkshire. BARNETT BLAKE 335

The Bradford Mechanics' Institute. J. V. GODWIN 340

Some Statistics of the Huddersfield Mechanics' Institution. FRANK CURZON 345

Mechanics' Institutes for Working Women, with Special Reference to the Manufacturing Districts of Yorkshire. FANNY HERTZ . 347

Adult Education for the Poor. Rev. W. ROGERS 355

II. ELEMENTARY EDUCATION.

On the Educational Clauses of the Factory Acts, their Practical Working, and the possible Extension of the Principle. EDWARD D. J. WILKS 363

On Girls' Industrial Training. Rev. J. P. NORRIS 366

Some Remarks on the Action of the Committee of Council on Education, with a view to show how the Benefits of the Government System may be more largely Extended and more wisely Distributed. Rev. REGINALD GUNNERY 377

The best means of enabling Small Rural Schools to avail themselves of the Parliamentary Grant for Education, especially in reference to the Minute of the Privy Council of July 26, 1858. Rev. B. F. SMITH 383

On Elementary School Books. JAMES TILLEARD 387

On the Relation of Ragged Schools to the Educational System of the Country, and their Consequent Claim to a full share of the Parliamentary Grant. MARY CARPENTER 397

On the New Minute (Aid to Science Instruction) of the Committee of Council on Education. GEORGE W. HASTINGS 403

The Religion of Secular Schools, and their claim to Government Aid. B. TEMPLAR 407

Method in Teaching.

PAGE
The Professional Training of Teachers. J. G. FITCH 411
On the Training of Pupil Teachers. Rev. GEORGE D. BOYLE . . . 417

Report on Popular Education at Liverpool. Rev. J. S. HOWSON . . 421

Summary.

On the Establishment in Cambridge of a School of Practical Science. Rev. H. LATHAM 437
How can our University System be made more available for the Middle and Working Classes. Rev. ROBERT BRUCE . . . . „
On the Local Examinations of the Universities of Oxford and Cambridge. NICHOLAS WATERHOUSE . . . . . „
Review of the Condition of Middle Class Education. Rev. H. G. ROBINSON 438
General Education in Upper and Middle Class Schools. ALGERNON FOGGO 440
Poor Districts, in Relation (or rather Want of Relation) to the Government Grant. Rev. R. HEELING . . . . . „
Labour and Education. W. WALKER 442
Some of the Advantages and Disadvantages of the Privy Council System of Education. Rev. T. B. BENSTEAD 443
On the Choice of Method, considered in Relation to the Subject of Instruction. Rev. JOHN SLATTER 445
Female Educational Institutes in Bradford. DAVID M'BURNIE . . „
The Relation of the Elementary Day School to the Mechanics' Institute. W. DAVIS . . . . . „
Free Lending Libraries an Essential Part of National Education. R. W. ROULSTON 446
On the Importance of Natural History as a branch of Education. Rev. A. W. WORTHINGTON . . . . . „
The Injurious Effects of Enforced Attendance at Public Worship on the Education of the Children of the Poor. Rev. J. ERSKINE CLARKE . . . . . „
On the Obstacles to the Education of the Children of our Labourer and Artisan Population, arising from the Increasing Diversity of School-books in England and Scotland, and the Advantages of a Complete and Uniform Series for all Schools receiving Government Assistance. Rev. W. FRASER 447
On Exhibitions in Primary Schools. Rev. C. D. GOLDIE 448
On the Necessity and Practicability of Establishing a Higher Standard of Professional Education in Teachers. Rev. R. J. BRYCE . . „
Ragged and Feeding Schools. GEORGE DAVIDSON 449

PAGE

On the Expediency of Measures for Reducing the Hours of Instruction, and for the General Introduction of the Naval and Military Drill, systematised as Gymnastic Exercise, as parts of any National System of Education. EDWIN CHADWICK, C.B. . . 449

III.—PUNISHMENT AND REFORMATION.

Incentives to, and Preventives of Crime.

The Licensing System, especially with reference to Beer-houses. JAMES CROPPER 451

The Criminality of Drunkenness, with the consequent Rights and Duties of Society in regard to the Criminals. Rev. W. ARNOT, D.D. 456

On Certain Causes tending to the Increase of Crime. FREDERICK W. GRAUHAN 467

On the Reformation or Recommittal of Offenders. EDWARD SHEPHERD 470

Criminal Law and Procedure.

On Summary Convictions under the Criminal Justice Act of 1855. W. M. TARTT 481

On the Criminal Law relating to False Pretences on the Sale of Goods. GEORGE W. HASTINGS 485

The Inexpediency of Capital Punishment. THOMAS BEGGS 487

Treatment of Adult Offenders.

Punishment *v.* Reformation. E. B. WHEATLEY BALME 492

Remarks on the Employment of Prisoners. C. W. EDDY 496

How to War with Crime. T. B. Ll. BAKER 504

Treatment of Young Offenders.

The Reformatory and Refuge Union. MARTIN WARE, Jun. . . . 511

On the Educational and Economical Advantages of Large as compared with Small Reformatories. Rev. W. FRASER 516

On the Effects of the Youthful Offenders' Acts as enforced in Liverpool. Rev. THOMAS CARTER 521

On Certified Industrial Schools; their Principle and Actual Operation, with a consideration of the Act by which they are established. MARY CARPENTER 524

The Establishment and Progress of the Manchester Certified Ragged and Industrial Schools, and the application of the Industrial Schools' Act. JOSEPH ADSHEAD 526

PAGE

On Juvenile Beggars and the Industrial Schools' Act. G. H. H. Oliphant 530
Industrial Homes for Vagrant Children. Ernest Noel 535

Summary.

The Criminal Statistics of Liverpool. J. T. Danson 539
Drunkenness as an Indirect Cause of Crime. John Taylor . . . 540
Intemperance: its Relation to Crime, and its Remedy. F. R. Lees . „
The Treatment of Adult Offenders. Rev. R. V. Reynolds 541
Remunerative Work in Prisons. Ernest Noel 543
Bradford in its Relation to Reformatories. John Rawson 544
The Castle Howard Reformatory School. Rev. Ishmael Fish . . „
The Emigration of Boys. C. H. Bracebridge 545
The Nursery for Seamen which the Whale Fisheries Present, considered with Reference to the Apprenticeship of Boys from School Ships and Reformatories. C. W. Eddy . . . . . „

IV.—PUBLIC HEALTH.

The Condition of the Public Health.

On the Public Health of Bradford, and on some of the Causes which have influenced its condition. William H. Hudson . . . 547
On the Apparent Increase of Epilepsy among the Working Classes of the Town of Bradford. William Macturk, M.D. . . . 551

The Causes which Modify the Public Health.

On the Physical Effects of Diminished Labour. Robert Baker . . 553
On the Relation between Density of Population and Mortality from Consumption. J. T. Hammack 563
On the Mortality in Mews. Thomas Hillier, M.D. 569
On the Influence of the Thames upon the Public Health during the Hot Weather of 1858-59. William M. Ord 571

The Improvement of the Public Health.

On Certain Deficiencies in our Public Records of Mortality and Sickness, with suggestions for an improved and Extended National System of Registration. H. W. Rumsey 574
On Certain Departments of Medico-Sanitary Police and Medico-Legal Inquiry in connexion with the Scientific Superintendence of Mortuary Registration. H. W. Rumsey 585
On the Great Importance of the Uniform and General Registration of Common Lodging-houses, and the most effectual means of securing its accomplishment. T. W. Rathbone 596

PAGE

On the Want of Better Provision for the Labouring and Middle Classes when attacked or threatened with Insanity. S. GASKELL 601
The International Quarantine Conference at Paris in 1851-2, with remarks. GAVIN MILROY, M.D. 605
On the Healthiness of the Anglo-Saxon Race in Australia. JOHN BEDDOE, M.D. 612

Summary.

Bradford, its Social and Sanitary Progress. T. BEAUMONT 615
Notes and Results of Sewage Irrigation. Rt. Hon. the Earl of ESSEX 619
Notes on the Method of Heating and Ventilating large Buildings now adopted in America. C. EDDY 621
An Inquiry into the Comparative Health of Forge Men, with their relative duration of Life, and a further Inquiry into the effect their Habits may have upon the System. JOHN WHITTERON „
The Air we Breathe: shall Every one do as he likes with it? W. T. M'GOWAN . . . . . „
Wet Nursing. M. A. BAINES 622

SOCIAL ECONOMY.

Statistical Science and the Census.

On the Method and the Range of Statistical Inquiry as applied to the promotion of Social Science. J. T. DANSON 623
What Information as to the Social Condition of England and Wales would it be most desirable to collect at the Census of 1861? HORACE MANN 628

Labour and Capital.—Strikes.

The Theory and Tendency of Strikes. HENRY FAWCETT 635
Facts and Inferences relating to the West Yorkshire Coal Strike from February to December, 1858. JOHN HOLMES 640
The Chain and Tracemakers of Cradley Heath and its Vicinity and their Employers, or Union and Disunion and their Consequences. NOAH FORREST 654
Report of the Committee on Trade Societies 657

Social Provision.

On the Economical Appropriation of Wages. ROBERT BAKER . . . 664
On Benefit Societies. Rev. NASH STEPHENSON 672
Benefit Building Societies. J. ARTHUR BINNS 680

Miscellaneous.

On the Jurisdiction of Justices of the Peace in Disputes betwee
Employers and Employed arising from Breach of Contrac
A. Edgar . . . . . .
Obstacles to Cottage Building in Scotland, and how to Remove then
James Begg, D.D. . . . . .
On the Training and Supervision of Workhouse Girls. Louisa Twinin

Summary.

The West Indian Labour Question. Stephen Cave, M.P. . .
Protection of Labour against Immigration. The Chinese and Cooli
Traffic. Henry Fawcett . . . . . .
On the Direction in which the Census Inquiry of 1861 should b
extended. James T. Hammack . . . . . .
Suggestions for the next Census. Nicholas Waterhouse . .
How to make Statistics Useful. James Begg, D.D. . . . . .
On Trade Societies. John Watts . . . . . .
On Strikes. John Plummer . . . . . .
On the Evil and Impolicy of Strikes. Malcolm Ross . . . .
What is the Nature of the Relationship between Employer an
Employed, and are Combinations either on the part of Opera
tives or Employers injurious or otherwise? J. Macfarlani
The Factory System as it was and as it is. Matthew Balme . .
Female Factory Workers and Homes for Female Factory Workers
On the Moral Tendency of Factory Labour. David M'Burnie .
On the Condition of the Factory Operatives of Bradford. John Jam
The Market for Educated Female Labour. Bessie Rayner Park
On the Industrial Employment of Women. Jessie Boucherett
Art Decoration a suitable Employment for Women. John Stew
Suggestions for simplifying Plans of Social Provision. Rev
Webster. . . . . .
The Savings Bank. Thomas Haigh . . . . . .
On giving Interest in Penny Banks. Rev. Erskine Clarke .
On Post-office Savings Banks. C. W. Sikes . . . . . .
Bradford Charitable Inquiry Society. George Gladstone M
Recreation in its Moral Aspects. Rev. George Hough .
The Bradford Early Closing Association. Robert Leach .
On the Objects, Methods, and Success of Young Men's
Associations. D. Wainwright . . . . . .
The Claims of the Journeymen Bakers on the Sympathy
ance of the Public to aid them in obtaining a Limit
Hours of Labour. John Lilwall . . . . .
On Professional Remuneration (Medical). John Ogle,

PAGE

On the Good Effects of Encouraging Horticulture among the Working Classes. G. BROOME 733

Bastardy in our Rural Districts, its Causes and Remedies. T. C. WILKS „

Benevolent Effort for the Protection of Chimney Sweeping Climbing Boys, with some Examples of the Cruelty of the System. WILLIAM WOOD 734

On the Loss of Life in Coal Mines. P. H. HOLLAND . . . . . „

Papers Read at Special Meetings.

On the Mode of Electing Representatives in Parliament and Municipalities. THOMAS HARE.

On the Moral and Intellectual Effects of Mr. Hare's Plan for Improving the Machinery of Representation. A. F. MAYO.

Report on Taxation, Direct and Indirect, adopted by the Financial Reform Association of Liverpool.

On Direct Taxation. JULIUS PARTRIGE.

Suggestions for a Bill to Prevent the Traffic in Intoxicating Liquors. SAMUEL POPE.

Annual Report of the Workhouse Visiting Society.

LIST OF SUBJECTS.

[illegible] Education . . . . . .
[illegible] Anglo-Saxon Race in . . . . . .
[illegible] Law, Proposed Changes in the . . . . . .
[illegible] Building Societies . . . . . .
[illegible] Societies . . . . . .
[illegible] Mechanics' Institute . . . . . .
[illegible] Punishment, Inexpediency of . . . . . .
[illegible] of Air . . . . . .
[illegible] and Transmission of Cradley Heath . . . . . .
[illegible] of Commerce, Incorporation of . . . . . .
[illegible] Recent Reforms in the Court of . . . . . .
[illegible] Trusts . . . . . .
Civil Service Examinations 274,
Colonies as to the Law of . . . . . .
Common Lodging-Houses, General Registration of . . . . . .
Copyright and Patent, the Law of 237,
Cottage Building in Scotland—Facades to . . . . . .
Crime, certain causes tending to the Increase of . . . . . .
Crime, how to War with . . . . . .
Criminal Justice Act of 1855 . . . . . .
Criminal Statistics of Liverpool . . . . . .
Criminality of Drunkenness . . . . . .
Declaratory Code . . . . . .
Density of Population and Mortality from Consumption . . .
Discharged Prisoners' Aid Society . . . . . .
Domestic Tuition . . . . . .
Drunkenness as an Indirect Cause of Crime . . . . . .
Education, Address on . . . . . .
Education, Bearing of Circumstances on . . . . . .
Education of Girls . . . . . .
Education of the Middle Classes . . . . . .
Education, Privy Council System 377
Exhibitions in Primary Schools . . . . . .
Factory Education . . . . . .
Factory System, the . . . . . .
False Pretences, Law relating to . . . . . .

PAGE
Forgemen, Health of 621
Huddersfield Mechanics' Institute, Statistics of 345
Industrial Employment of Women 727
Industrial Homes for Vagrant Children 535
Industrial (Certified) Schools 524, 526, 530, 546
Jurisprudence, Address on 55
Justices of the Peace, Jurisdiction of 687
Law and the Social Condition of the People 159
Legislation, the Province of 271
Licensing System, the 451
Liverpool Education Report 421
Liverpool Standing Committee, Report of 152
Lunatic Asylums for the Middle Class 601
Mechanics' Institutes of Yorkshire 335
Mechanics' Institutes for Working Women 347
Medico-Sanitary Police and Medico-Legal Inquiry 585
Mercantile Legislation Committee, Annual Report of 259
Method in Teaching 411, 417, 445
Mews, Mortality in 569
Natural History as a branch of Education 403, 446
Physical Effects of Diminished Labour 553
Preferential Securities, Publication of 224
Prisoners, Employment of 496
Prisons, Remunerative Labour in 543
Process in Civil Courts, Principles of 181
Professional Education of Teachers 448
Public Health, Address on 106
Public Health of Bradford 547, 551, 615
Public Health, Influence of the Thames on 571
Public Records of Mortality and Sickness 574
Punishment and Reformation, Address on 87
Punishment *v.* Reformation 492
Pure Air 621
Quarantine-Conference at Paris 605
Ragged Schools 397, 449
Recordation in Law and Social Science 247
Reformation or Recommittal of Offenders 470
Reformatories, Advantages of Large compared with Small 516
Reformatory and Refuge Union 511
Reformatory Treatment of Adult Criminals 541
School Books 387, 447
Scientific Evidence in Courts of Law 273
Secular Schools 407
Sermon 1

Sewage Irrigation . . . . . .
Social Economy, Address on . . . . . .
Social Provision . . . . . .
Statistical Science 6
Strikes 635, 640, 7
Trade Marks 2
Trade Societies, Report of Committee on . . . . . .
Trade Societies and Strikes (Discussion) . . . . . .
Transfer of Land . . . . . .
Universities and Middle Class Schools . . . . . .
Wages, Economical Appropriation of . . . . . .
West Indian Labour Market . . . . . .
Women, Employment of . . . . . .
Workhouse Girls, Training of . . . . . .
Working Men's Colleges . . . . . .
Yorkshire Registries of Deeds . . . . . .
Young Offenders, Treatment of . . . . . .
Youthful Offenders' Act, Effect of the . . . . . .

LIST OF AUTHORS.

Acland, Thomas Dyke, Jun., 299.
Adderley, Right Hon. C.B., M.P., 75.
Adshead, Joseph, 526.
Arnot, Rev. W., D.D., 456.
Baker, Robert, 553, 664.
Baker, T. B. Ll. 504.
Balme, E. B. Wheatley, 492.
Beddoe, John, B.A., M.D., 612.
Begg, James, D.D., 690.
Beggs, Thomas, F.S.S., 487.
Binns, J. Arthur, 680.
Blake, Barnett, 335.
Boyle, Rev. George B., M.A., 417.
Brougham, Lord, 26.
Carpenter, Mary, 397, 524.
Carter, Rev. Thomas, M.A., 521.
Chadwick, David, F.S.S., 323.
Chambers, Thomas, C.S., 159.
Clay, J. T., 244.
Cookson, W. S., 192.
Cowper, Right Hon. W., 106.
Cropper, James, 451.
Curzon, Frank, 345.
Daniel, W. T. S., Q.C., 16
Danson, J. T., F.S.S., 216
Dibb, J. E., 202.
Eddy, W. E., M.A., 496.
Edgar, A., 687.
Fawcett, Henry, M.A., 63
Fitch, J. G., M.A., 411.
Forrest, Noah, 654.
Fraser, Rev. W., 516.
Fry, Edward, 206.
Gaskell, S., 601.
Godwin, J. V., 340.
Grauhan, Frederick W., 4
Gunnery, Rev. Reginald,
Hammack, J. S., F.R.S.,

Hastings, G. W., 403, 485.
Hertz, Fanny, 347.
Hillier, Thomas, M.D., 569.
Holmes, John, 640.
Howson, Rev. J. S., M.A., 308, 421.
Hudson, William Hector, 547.
Johnson, Matthew, 224.
Kilgour, Henry, 181.
Macturk, William, M.D., 551.
Mann, Horace, 274, 628.
Milnes, R. Monckton, M.P., 87.
Milroy, Gavin, M.D., 605.
Noel, Ernest, 535.
Norris, Rev. J. P., 366.
Northcote, Sir Stafford, Bart., M.P., 279.
Oliphant, G. H. H., 530.
Ord, William M., 571.
Pillans, Professor, 316.
Rathbone, T. W., 596.
Ripon, Lord Bishop of, 1.
Rogers, Rev. W., 355.
Rumsey, H. W., 574, 585.
Ryland, Arthur, 229.
Shaftesbury, Earl of, 9.
Shepherd, Edward, 470.
Shuttleworth, Sir J. Kay, Bart., 122.
Smith, Rev. B. F., M.A., 383.
Stephenson, Rev. Nash, M.A., 672.
Symonds, Arthur, 247.
Tartt, W. M., F.S.S., 481.
Templar, B., 407.
Tilleard, James, F.R.G.S., 387.
Twining, Louisa, 696.
Ware, Martin, Jun., 511.
Webster, Edward, 166.
Webster, Thomas, F.R.S., 237.
Wilks, D. J., 363.
Wood, Vice-Chancellor Sir W. Page, 55, 184.
Zincke, Rev. Barham, 287.

LIST OF FORMER PRESIDENTS.

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THE RIGHT REV. THE LORD BISHOP OF RIPON.
SIR JOHN RAMSDEN, BART., M.P.
FRANK CROSSLEY, ESQ., M.P.
THE MAYOR OF BRADFORD.

LOCAL OFFICERS AND COMMITTEE OF THE BRADFORD MEETING.

Chairman of Local Committee.

HENRY BROWN, ESQ., MAYOR OF BRADFORD.

Chairman of Executive Committee.

H. W. RIPLEY, ESQ.

Local Secretaries.

R. W. MARSLAND, ESQ. REV. J. H. RYLAND.

Local Treasurer.

J. V. GODWIN, ESQ.

Local Secretaries of Departments.

I. JOHN DARLINGTON, ESQ.
II. REV. H. J. BURFIELD; REV. H. B. CREAK.
III. REV. J. R. CAMPBELL; M. W. THOMPSON, ESQ.
IV. H. F. LOCKWOOD, ESQ.; W. MACTURK, M.D.
V. REV. J. P. CHOWN; GEORGE WOOD, ESQ.

EXECUTIVE COMMITTEE.

(*In addition to the above.*)

Mr. Alderman Beaumont.
Jacob Behrens, Esq.
James Hanson, Esq.
W. H. Hudson, Esq.
Robert Jackson, Esq., Sheffield.
John James, Esq.
Edward Kenion, Esq.
J. Rayner, Esq., Huddersfield.

LIST OF FOREIGN CORRESPONDING MEMBERS.

Monsieur Le Comte J. Arrivabene, Bruxelles.
Marquis d'Avila, Ministre d'Etat de S. M. Très Fidèle, Lisbon.
Monsieur Le Comte Auguste Cieszkowski, Wierzenica, Grand-duché de Posen.
Monsieur Ed. Ducpetiaux, Inspecteur Général des Prisons et Etablissement de Bienfaisance, Rue des Arts, No. 22, Bruxelles.
David Dudley Field, Esq., New York.
Monsieur Le Dr. C. Helm, 805, Seilerstätte, Wien, Austria.
Professor Katchenowsky, University of Charkow, Russia.
Monsieur Le Dr. Mittermeier, Heidelberg, Duché de Baden, Germany.
Monsieur De Metz, Rue de Londres, No. 13, Paris.
Monsieur Le Dr. Neumann, Köpnicker Strasse, No. 110A, Berlin.
Monsieur F. Le Play, Councillor d'Etat, &c., 17, Rue St. Dominique, Paris.
Monsieur Le Dr. Schubert, Koenigsberg.
Monsieur W. H. Suringar, President de Mettray, Amsterdam.

INTRODUCTION.

THE Third Annual Meeting of the Association, held West Riding of Yorkshire, at the town of Bradf the 10th of October, 1859, and five following days, thou so numerously attended as in the previous year at Liv was eminently successful. The number of members wh present was 397, of associates 645, and of ladies who pur transferable tickets 324. These figures, however, woul a very inadequate idea of the total number of persons wh part in the proceedings; thousands having been admitte small payment to more than one evening meeting.

The Earl of Shaftesbury, as President of the Asso delivered the opening address in St. George's Hall on the day evening; a special service having been held, as us the afternoon of that day, on which a sermon was preac the occasion by the Bishop of Ripon. After the conclu the opening address, a vote of thanks to Lord John Rus his services as President during the past year was mo Lord Brougham, who took occasion to allude, amon topics, to the losses sustained by the Association since meeting by the deaths of Sir James Stephen and other e members.* The Right Hon. Joseph Napier seconded the which was carried by acclamation. Sir John Ra Member of Parliament for the West Riding, and Mr. Mayor of Bradford, moved and seconded the thanks meeting to the Earl of Shaftesbury for his eloquent ad

The Council, in June last, resolved that the per Presidentship of that body should be conferred o Brougham, and that he should be requested to deliver a a review of the operations of the Association during year; and his lordship, having accepted the office, acc

* Among them Professor Alison, Mr. Joseph Sturge, the Rev. Jo James, and Mr. Adolphus Bach.

addressed the members and associates in St. George's Hall on the morning of the Tuesday. At the two previous Annual Meetings, in compliance with the wish expressed by many of the members, the addresses of the Presidents of Departments had been delivered consecutively on the same day; but some inconvenience had been occasioned by this departure from the original arrangements, and the Council resolved that these addresses should, at Bradford, be given separately, one on each of the five days succeeding the opening meeting. Lord Brougham, therefore, was immediately followed by Vice-Chancellor Wood, who gave the address on Jurisprudence, and on the four following mornings the proceedings were opened in St. George's Hall by Mr. Adderley, Mr. Milnes, Mr. Cowper, and Sir J. K. Shuttleworth, respectively. The business of the Departments began on the Tuesday, and was continued till the Friday evening. Upwards of 160 papers were read, and a number of interesting discussions took place.

Several special meetings were held during the week by permission of the Council. On the Tuesday evening Lord Brougham presided over a discussion on the best mode of Taxation, which was most numerously attended, and elicited the opinions of some of the ablest members of the Association. The subject was opened by an able report from the Liverpool Financial Reform Association, advocating the immediate repeal of the duties on 439 articles producing a total revenue of not more than 751,000*l.*, and the ultimate adoption of a complete system of direct taxation, as not only much cheaper, but more just, moral, and honest than the present mode of raising the revenue. A tax on wealth was advocated by Mr. Partrige, of Birmingham, in a paper read at this meeting. There is no doubt that a large majority of those present was opposed to the continuance of indirect taxation, but the promoters of the question gave an example of moderation and good judgment deserving the imitation of all their fellow-members, by declining to pass any resolution which should compromise the general body of the Association.*

* It is intended to appoint a Special Committee on Taxation to report at Glasgow, and to refer to them the papers read at Bradford on the subject.

On the same evening a discussion on the Industrial Employment of Women, at which Lord Shaftesbury took the chair, was held in one of the corridors of the Hall. The number of members who showed their interest in the subject, and the impression made by some papers read in the Social Economy Department, have already advanced the question, and it is believed that the Society just formed under the sanction of the Council, and in connexion with the Association, will be able to present a valuable report at Glasgow.

Miss Carpenter, in another room of the Hall, addressed a crowded meeting on the defects in the Industrial Schools' Act.

On the Wednesday evening the Bradford Chamber of Commerce entertained at dinner the delegates from various commercial bodies, and many other members of the Association and visitors. During the same evening Lord Brougham presided at the annual meeting of the Bradford Mechanics' Institute (held on this occasion in St. George's Hall), and distributed the prizes to the successful candidates.

A crowded meeting of the working classes was held on the evening of Thursday, when Lord Shaftesbury, Lord Brougham, and several other members took part in the proceedings. The arrangements, as on a similar occasion at Liverpool, were left in the hands of the local committee; but if these gatherings are to be continued, it will be advisable to make them an integral part of the business of the Association, and to organize them carefully, with a view to practical usefulness. A suggestion has been made to the Editor by a member personally unknown to him, but who shows himself well qualified to give advice on the subject, that the President and Presidents of Departments should, as a part of their official duty, address the working men on certain specific points previously selected, and capable of practical illustration. It may be hoped that some improvement of this kind will be adopted at our future meetings.

On the Friday evening, after the distribution of the prizes awarded at the University local examination in Leeds, by the Right Hon. Joseph Napier, a general *soirée* was held in St. George's Hall, varied, like the previous one on Tuesday, by

more than one special meeting in the adjoining rooms. In the saloon of the hall, Mr. Thomas Hare read a paper explanatory of his original and elaborate scheme for the distribution and collection of votes at Parliamentary elections; and Mr. A. F. Mayo contributed some observations on the same subject. Mr. Napier occupied the chair at this discussion. The annual meeting of the Workhouse Visiting Society, under the presidency of the Right Hon. William Cowper, took place in another room, when a report was read by Miss Louisa Twining. Considerable progress has been made by this society since its formation last year, under the sanction of the Council, in diffusing information on the subject of workhouse management, and obtaining the co-operation of guardians and chaplains in improving the condition of their inmates; and it is gratifying to record that both in Liverpool and Bradford the effect of the meeting of the Association has been to leave open the workhouse to the inspection of lady visitors, under the control and direction of the existing authorities.

Sir Walter Trevelyan presided at a meeting in the Courthouse on the subject of Temperance, when a paper was read by Mr. Samuel Pope, advocating the enactment of a permissive Bill for the total prohibition of the sale of intoxicating liquors in any locality where the measure shall have been adopted by a certain majority of the inhabitants. Considerable interest was manifested by the numerous audience, both in the paper itself and the discussion which followed.

The concluding meeting was held on Saturday morning, and a report from the Council was presented, stating the business transacted, and recommending that the next annual meeting should take place at Glasgow. A slight alteration in the rules,* and the establishment at Bradford of a Local Standing Committee for the same purposes as that appointed at Liverpool, were also suggested, and approved by the adoption of the report. Votes of thanks were accorded to the General Secretary, to the Mayor and the inhabitants of Bradford, to the Local

* Providing that every person who has served the office of President or President of Department should be *ex-officio* a member of the Council.

Secretaries and Treasurer, and to the Press. Lord Br
took occasion to mention that the Rev. Vernon H
had forwarded through him a request for the co-op
of the Association with the British Association f
Advancement of Science, on the subject of the best m
receiving scientific evidence in courts of law. A rep
read from the Local Standing Committee at Liverpool
will be found at page 152 of this volume. The proc
of the Bradford meeting then terminated.

During the week the International Association for Pro
a Decimal System of Coinage, Weights and Measures,
the theatre of the Mechanics' Institute, under the presid
M. Michael Chevalier, who delivered an address on the o

Excursion parties, numerously attended, visited Saltai
Low Moor Ironworks, and other objects of interest
neighbourhood.

The proceedings of the Departments are recorded
summaries, which will be found at the end of the pu
papers of each Department, and which have been divid
headings to facilitate reference. It has been with great
that many valuable contributions have been redu
abstracts, and a few shortened, in order to keep the
within its former compass. The Editor cannot expect t
choice made will be approved by every one, when so
various tastes and predilections have to be gratified;
has endeavoured to choose between competing papers
impartial eye to the advantage of the Association and
question under consideration, and he has had in this
task the willing and able help of the Secretaries of I
ments, to whom he is anxious to acknowledge his obligat

The great number of papers contributed has of course
to the difficulty of selection, and the labour of editi
'Transactions' would be considerably lightened, if, out
numerous suggestions for reducing the list of paper
feasible plan could be adopted. But it is easier to percei
need for the application of some sifting process to the co
tions received, than it is to discover what the process is
or how it could be effectively and impartially applied; an

who are best acquainted with our meetings, and with other conferences of a similar nature, are the least confident of the success of any such attempt. Liberty of contribution, of course within the range of subjects considered by the Association, is the essence of our meetings: they are free conferences open to all, and the sacrifice of this fundamental principle would be a heavy, perhaps a fatal, price to pay for some additional convenience in getting through the work of the Departments. Nor should it be forgotten that the pressure of business is the result of our success—a measure of the vitality of the Association; failure would have been a sure specific for thinning the list of papers. The Council, however, will spare no effort to make the arrangements for the departmental business as efficient as possible, and they have already appointed a committee to consider the subject, and suggest any improvements that may seem practicable.*

A brief account of some of the proceedings of the Association since the Liverpool Meeting may be of interest to the members.

The Local Standing Committee appointed at Liverpool having commenced their active labours in a few weeks after the Meeting, the Council, on the 10th of December, 1858, granted them 30*l.* in aid of their expenses. The results anticipated by the Association have been abundantly verified, and this volume contains, in addition to the formal report from the Committee, an account of the state of education in Liverpool, by Mr. Howson, and the criminal statistics of the town for the year 1858-9, prepared by Mr. Danson, both under the sanction of the Local Committee.

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* To this Committee has been referred the following memorial, presented to the Council at Bradford:—

"In the opinion of a large number of those who have attended the present Meeting of the Association as Delegates from Chambers of Commerce, and otherwise as connected with commerce, manufacture, and agriculture in the United Kingdom, it is desirable that there should now be formed a Sixth Department of the Association, especially directed to a study of the interests and the due economy of our Commerce, Manufactures, and Agriculture.

TITUS SALT.	R. M. SMITH.	J. T. DANSON.
SAMUEL COURTAULD.	W. CHAMBERS.	CHARLES LAWSON.
J. W. CROPPER.	H. W. WICKHAM.	R. A. MACFIE.
W. E. FORSTER.	D. M'LAREN.	L. HEYMANN."
W. V. NOTTINGHAM.		

The Bill to Amend and Consolidate the Laws relat Bankruptcy and Insolvency, originally prepared by a Committee appointed at the Birmingham Meeting, was at pool given in charge to the Mercantile Legislation Comm and was at their request introduced into the House of Co by Lord John Russell, in February, 1859, and was second time. The Bill, which, with some alteration in was re-considered and again approved at Bradford, will b more introduced into the House at the commencement ensuing session. The proceedings during the year in rel to the measure, and the other steps taken by the Mer Legislation Committee, are detailed in the Summary Jurisprudence Department, commencing at page 259. Council made a grant of 50*l.* to this Committee on the 1 December, 1858.

The Public Health Act being last year about to expi Council thought it expedient to petition the Legislature renewal, or for the enactment of a new measure, and th joined petition was accordingly agreed to on the 2 February, 1859, and afterwards presented to the Ho Commons by Lord John Russell.* A deputation fro

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* The humble Petition of the Members of the Council of the National As for the Promotion of Social Science,

Sheweth,

That the laws relating to the protection of the public health are not torily administered, and that injustice is thereby done to the poorer classe community.

From the best official authority your Petitioners have reason to believe least a quarter of the deaths which occur in England and Wales are due to able causes; and they entertain no doubt that sickness which does not term death, but for a time disables and impoverishes those whom it attacks, is at the same extent preventable.

Your Petitioners believe it to be certain that the pressure of this immense of unnecessary suffering is chiefly borne by the working classes of the whose families are often first brought to pauperism by having lost in prev disease the life or strength which supported them.

Your Petitioners are aware that local authorities under various Acts of ment have it in their power greatly to diminish, if not entirely to remove, th of certain very destructive diseases; but your Petitioners are convinced importance of this object is hitherto most imperfectly recognised by such rities.

Your Petitioners find it established that in different parts of England the very different proportions of fatal disease; that the death-rate of the popul in some districts double or nearly double what it is in others, and that cert ventable or nearly preventable diseases prevail under some local authorities twenty times as much as others.

Council was also sent to that nobleman and to the Earl of Shaftesbury, requesting them to support the views enunciated

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Without wishing to accuse or censure any individual authority, your Petitioners have no hesitation in saying generally, that places which year after year suffer an excessive mortality from the diseases referred to are places in which the local authority either does not possess or does not exercise the requisite power for the protection of the public health.

In the name of the poorer classes of the community, whose preventable physical sufferings are here mainly referred to, and who, practically speaking, are unrepresented in those local boards which ought to be the agents of sanitary reform, your Petitioners pray your honourable House to remedy these evils; and with great confidence they appeal to the justice and generosity of your honourable House to consider the weakness of the sufferers, who for the most part possess neither the education thoroughly to know the causes of their sufferings nor the influence to agitate for redress.

Your Petitioners submit, and in this respect they believe that they are supported by the judgment of all persons who have given attention to the subject, that in order to ensure due progress being made in the diminution of preventable disease two conditions must be fulfilled. First. That local authorities be invested with sufficient powers for dealing with causes of disease. Next. That the Crown exercise a reasonable amount of supervision as to the efficiency and success with which these powers are employed.

It is to the very imperfect fulfilment of the second of these conditions that your Petitioners specially solicit the attention of your honourable House. They recognise it to be an admirable part of the constitution of this country that in all matters of local concern the completest powers of self-government are possessed by each local community, and they would resist as a very dangerous innovation any project for vesting powers of local action in other than representative hands. But your Petitioners feel it to be of at least equal importance that the large sanitary powers now possessed by local authorities should be exercised under a cogent sense of responsibility to the Legislature; and they would regard it as a new and most objectionable precedent if in a matter where unrepresented interests are so very greatly affected as in the action or inaction of sanitary boards the right of Government inquiry were not to be vigilantly exercised.

They accordingly deem it to be a principle of fundamental importance that the law should impose on her Majesty's Government the responsibility of instituting such annual inquiries and furnishing such annual reports as will enable Parliament and the public to estimate what progress is being made by local sanitary authorities in fulfilling the objects of their existence; and they submit that such inquiries and reports should systematically extend to the sanitary circumstances of every place where the population suffers an important excess of preventable disease.

Your Petitioners firmly believe that under the mere influence of such inquiries and reports the present lamentable waste of life would be rapidly checked, the pauperism which arises through sickness be largely diminished, and the physical sufferings of poverty be very materially reduced.

Your Petitioners are aware that under the Public Health Act passed during the last Session of Parliament some provision was made for the kind of action to which they refer, but that enactment, the only one which confers on Government a right of inquiring into evils affecting the public health, was passed but for a single year, and its temporary nature, apart from other defects which it has, must have rendered it almost inoperative; while your Petitioners greatly regret that the Act in question should have passed in so unsatisfactory a form, they hope that the necessity thus created for its being reconsidered during the present Session of Parliament may lead to its being rendered more effectual for its purpose.

Your Petitioners therefore earnestly pray that your honourable House will be pleased to re-enact it as a permanent measure with its present essential features preserved, but with such amendments adopted as shall enable her Majesty's Govern-

in the petition, and to watch the course of legislation subject.*

The Committee of the Public Health Department a valuable Report to the Council in February, 1859, Adulteration of Food, and subsequently (in April) re on the provisions of the Bill introduced into Parl by Mr. Scholefield. Both these Reports are given below.†

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ment to make searching inquiry into all cases of excessive local mortalit report whether adequate means of prevention are employed by the constit authorities.

And your Petitioners will ever pray.

B. C. BRODIE, *Chairman.*
G. W. HASTINGS, *General Sec*

* The deputation consisted of Sir James Clark, Bart., M.D., Dr. E Headlam Greenhow, Mr. G. W. Hastings, Mr. Arthur Helps, and Mr Holland.

† REPORT ON ADULTERATION OF FOOD.

'It has been proved before a Committee of the Commons, by the Lan tary Commissioners, by Dr. Hassall, and Dr. Postgate, and numerous quirers, that adulteration of food is of very common occurrence. That the used for such adulteration are often pernicious, sometimes actually poison that the practice of such fraud is so widespread as to render it difficul fair trader to avoid loss, who is thereby tempted to follow the evil exampl

'It has been objected that adulteration cannot be justly punished, becau impurities exist in articles of consumption which have not been fraudulently that there are very few substances in a perfectly pure state. But the seldom be any practical difficulty in determining by the proportion and n the impurity in adulterated articles that it must have been added design by fraud.

'The case is wholly analogous to the use of false weights and measur one expects that those used in commerce will be of the minute accuracy employed in scientific research, yet there is no difficulty in determinin the deviation from truth becomes important, that the weights and meas fraudulent.

'If any one by using false weights and measures defrauds his custome wisely and justly punished and exposed; and there seems no just reason who equally defrauds his customer by mixing with the articles he profess some other substance which his customer does not wish to buy, should be subject, on summary conviction, to punishment and exposure.

'Nay, as the latter fraud is less easy for individuals to guard against former (and often far more injurious) the protection afforded by law may greater. Those adulterations which are simply fraudulent and apparent injurious are not really so, for it is no trifling injury to those whose means chasing food are limited to be defrauded of part of that which is essential health and strength.

'Moreover, the articles used, even if not, as they sometimes are, of the counted poisonous, are often such as cannot be constantly or habituall without injury.

'To this class belong plaster of Paris in sweetmeats, alum in bread, th copper tint in pickles, and other articles not commonly found in quantiti cient to be immediately and evidently injurious.

'Of the class of distinctly poisonous or injurious adulterations, no defe be offered, and it will be universally admitted that persons who sell arti

In compliance with a resolution passed at Liverpool, and with a further representation from the Public Health Depart-

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fraud or culpable carelessness, mixed with poison, deserve exemplary punishment, and would, it is presumed, on conviction be punished for misdemeanour, without proof of actual injury being necessary.

'Notwithstanding such dangerous frauds, culpable negligences are of frequent occurrence, and punishment rarely, if ever, follows unless a life be sacrificed, or the health of some one be seriously injured.

'It appears to this Committee that the complete remedy for such evils is the employment of sanitary inspectors to detect all cases of such crime, and of prosecuting officers to bring all such cases for decision before the proper tribunals, but that until such appointments be made, and either concurrently with or without such machinery, much might be done by very simple legislative and improved police regulations.

'The Committee suggest that it be enacted that whosoever shall wilfully sell any article of food so adulterated as to be a fraud upon the purchaser thereof, shall be punishable by a fine not exceeding 5*l.*, or imprisonment on summary conviction.

'2ndly. That if it shall appear, on complaint before any justice, that any person shall have wilfully sold any article of diet, or anything likely to be eaten or drunk, so adulterated or in such a condition as to be injurious to the health of those partaking of the same, such justice shall direct such offender to be prosecuted at the public expense.

'And that if it shall appear to any justice that there is just ground of suspicion that any article of diet has been offered for sale so adulterated as to be a fraud, or for any cause in such a condition as to be injurious to the health of any person partaking thereof (for example meat or vegetables in a state of partial decomposition, or the flesh of animals that have died, or been killed in a diseased condition), such justice shall direct an inquiry to be made with such chemical or other scientific examination as shall appear necessary to the establishment of the truth, and direct the payment for such examination to be defrayed from the police rate.

'That if it shall appear to the justice that the vendor of any adulterated article has purchased the same not knowing it to be adulterated, if he gives evidence proving from whom he obtained the same, he shall not himself be liable to any penalty.

'The Committee beg to call attention to the evident fact that the late lamentable accident at Bradford arose directly from the crime of adulteration. If the maker of the lozenges, which were poisoned in consequence of the most culpable carelessness, had not intended to adulterate them with 'daff,' he never would have obtained the fatal poison he mixed with the innocent article he professed to sell.

'Perhaps his excuse may be that he cannot afford to sell pure lozenges at the price adulterated ones can be made for. The same invalid defence might be offered for using false weights; if the law did not punish that species of fraud it would be as common as selling adulterated articles of food now is.'

REPORT ON MR. SCHOLEFIELD'S BILL.

'In accordance with the resolution of the Council of the 23rd ultimo, the Committee have considered the Bill for Preventing the Adulteration of Articles of Food and Drink, brought in by Messrs. Scholefield, Villiers, and Wyse, and instructed the Secretary to report that the Committee, while highly approving the object of the Bill and its chief provisions, beg to call attention to some imperfections and deficiencies which will, they fear, greatly impede its successful operation.

'The Bill, after reciting that the practice of adulterating food, to the defrauding of her Majesty's subjects, and to the great hurt of their health, requires to be repressed by more effectual laws than those now in force, proposes to render liable to penalty, on summary conviction, every person who shall expose for sale any article of food with which *to his knowledge* any material calculated to injure health has been mixed, or who shall expose for sale as pure and unadulterated any

ment, the Council sanctioned, on the 23rd of February the appointment of a sub-committee of that Departn

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article of food which *to his knowledge* is adulterated and not pure. An convicting may also cause the offender's name, address, and offence to be in the newspapers, or in other manner, at the offender's expense.

'The latter part of this proposed enactment, the Committee consider a adapted for the suppression of fraudulent adulteration, but are of opinion injurious adulteration still severer punishment may be justly inflicted, ar their suggestion, that in such cases justices should be empowered, if they to direct a prosecution for misdemeanour at the public expense. It will be that, as the section stands, reasonable proof of guilty knowledge will be for conviction. Whether declared in express words or not, reasonable pre of guilty knowledge is an essential part of a just conviction for crime, presumed such knowledge would be inferred if persons habitually, or after persist in selling adulterated articles.

'The second and third sections of the Bill propose that vestries and loc of management in the metropolis, and town councils in boroughs, may persons of competent knowledge as analysts, with such salary and allo they think fit, to examine food purchased *within such districts*, and that chaser of any food in any district where an analyst is appointed, shall be to have such food examined on payment of a fee of 2*s.* 6*d.* or 10*s.* 6*d.* receive a certificate of the result, specifying whether such article of food b opinion of the analyst, adulterated, and also whether injuriously, which ce in the absence of evidence to the contrary, is to be sufficient evidence for co

'The Committee think this provision less likely to be effectual than th they suggested, namely, that justices, when satisfied that there is reasonabl for suspecting adulteration, should be empowered to direct any suspected f examined, the cost to be paid from the police-rate, or by the offender on co

'As the sections now stand, it is not clear that vestries beyond the m may appoint analysts, and there is little probability that such officers generally appointed, and the operation of the provision is confined to dis which they are appointed, and to cases of food purchased in such distric example, an inhabitant of Whitechapel, who has purchased suspected Bethnal Green parish, cannot take it for examination to the analyst of parish, but only to that of Bethnal Green, and if, as is probable, no such o there appointed, the Act will give him no assistance in the matter. Ag Committee do not consider vestries and boards, comprising traders who themselves guilty, or be the rivals of those suspected of adulteration, are t authorities to appoint analysts whose certificates, unless contradicted, are t conviction. It may be that such board will be unable from ignorance, or u from false economy, to secure the services of men whose certificates on que scientific nicety will be convincing to the justices who are called upon to Further, though it may often be convenient to dispense with the attendanc analyst, and thereby diminish the cost, this should never be done with express consent of the accused, who has a right to subject all witnesses agai to cross-examination, for it should be shown, not only that every witness i ful, but has sufficient reasons for the opinion he certifies; nor should the ju required to convict when he may not be satisfied of the skill, intelligen caution of an absent and perhaps unknown witness.

'For which and other reasons the Committee are of opinion that the justi have to decide should have the power to appoint a person to examine the suspected, who should give his evidence in the ordinary way, unless (to d costs) the accused, with the permission of the justices, consent to the writte ficate being accepted as evidence.

'With respect to the fifth section, the Committee are of opinion that it i cessary and inexpedient. The proposal to make regulations for the use of dients distinct from the natural composition of food with which they may be

investigate the question of Quarantine, and to report to the Association. A short statement of the proceedings of this Sub-Committee will be found at page 605.

A Special Committee on Trades' Societies was appointed by the Council in February, 1859, and in the preliminary Report, at page 657, full information is given of the proceedings of the Committee, and the amount of information obtained by them. It is gratifying to be able to observe that on this and other questions particularly affecting their class, a number of working men gave the results of their own experience and knowledge to the Bradford Meeting, both contributing papers and bearing a part in the discussions. The hope expressed at the end of the introduction of the first volume of 'Transactions' is thus beginning to be realized.

The Council, on the 14th of July, 1859, added the name of Professor Katchenowsky, of the University of Charkow, in Russia, to the list of foreign corresponding members.

The accounts of the Association were made up, in accordance with the rules, on the 31st of July, 1859, (the end of our second financial year,) and were duly audited by the officers appointed for that purpose at Liverpool. The cash account of the Treasurer was appended to the Bradford Address of the

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seems to imply that certain forms of adulteration are to be authoritatively sanctioned. No one is forbidden by this Bill to expose for sale food mixed with any innocent ingredient, provided he does not represent it as pure and unadulterated. If there be no deception, there is no crime; but it is not expedient that her Majesty in Council should be called upon formally to sanction transactions which, though not criminal, are often suspicious in their nature, and not quite reputable.

'The Committee quite approve of giving persons convicted the right of appeal, as provided by the sixth and seventh sections.

'The Committee beg to recommend that Mr. Scholefield's Bill for preventing adulteration be supported; but that, in addition to sections two and three, justices be empowered, when there is reasonable suspicion of any article of food or drink being adulterated, to order it to be examined by such person as they may appoint, and to order such costs to be defrayed from the police-rate, or, in case of conviction, paid by the offender, if the justice shall see fit.

'That the justice may, if he see fit, with the consent of the accused, but not otherwise, receive as evidence the written certificate of the person appointed to examine the article of food suspected.

'The Committee suggest the addition of a provision empowering the justice who shall have heard a complaint of food being offered for sale, either adulterated with any injurious material, or *from any cause* in such a condition as to be injurious to any one partaking of it, to inflict a penalty not exceeding , or, if he think fit, to direct a prosecution of the offender.

'The Committee recommend the omission of section five as inexpedient.'

President of the Council, and is also given at the end o
pages. It will be seen that the receipts amoun
1253*l.* 10*s.* 2*d.*, and the expenditure to 1228*l.* 8*s.* 9*d.*,
a balance of 25*l.* 1*s.* 5*d.* The expenditure, however, in
261*l.* 15*s.* 3*d.* for the 'Transactions' of 1857, and 26*l.*
other liabilities incurred during the first financial year,
the actual expenses for the year were 940*l.* 3*s.* 6*d.*
commencement of the current financial year, on the
August last, the Association was free from debt, and the
doubt that a considerable surplus of income over expe
will appear in our next balance-sheet. It should be o
that the Association has no concern with the expendit
curred for the Annual Meetings, this being defrayed
Local Committee out of the moneys received on the oc
In all cases the guineas paid by members at the meeti
handed over to the Treasurer of the Association, and b
Liverpool and Bradford a further sum, after defraying th
expenses, has been presented to the Association by the
Committee.*

Since the Bradford meeting, the Council have been e
in considering the resolutions forwarded to them fro
several departments. A Special Committee has been d
to inquire into the state of the law respecting Copyrigl
Patent, and to co-operate with the Committee appointed
similar purpose by the British Association for the Advan
of Science. The consideration of the best mode of taki
Census of 1861 has been referred to another Committe
have also before them the requisition presented to the C
at Bradford by a number of Scotch members.† The
Commissioners on National Education have been reques
receive evidence as to the expediency of extending the
mentary educational grant to small rural parishes a
Ragged Schools. On several other subjects the opinions
Departmental Committees have been asked for the guida
the Council in their further deliberations.

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* At Liverpool this sum amounted to 85*l.* 19*s.* 11*d.* At Bradford to 220

† See p. 712.

The need for the extension of the industrial employment of women, and of their better education for that end, was among the earliest of the questions discussed by the Association;* and the increased interest lately manifested on the subject induced the Council to appoint a Committee in December last to inquire and report thereon. At the suggestion of that Committee, and in consequence of the important information already obtained by them, the Council have since sanctioned the establishment of a Society for Promoting the Employment of Women, connected with the Association in the same way as the Workhouse Visiting Society, which during the past year has been worked successfully. Both these Societies will hold their annual meetings at the same time and place as our own, and will report to the parent body.

It only remains to add, that the Fourth Annual Meeting of the Association will be held in the City of Glasgow in the month of September next.

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* *Transactions*, 1857, pp. 531, 538, 544.

BALANCE SHEET.

Treasurer's Cash Account for the year ending 31st July, 1859.

1859.	Dr.			£	s.	d.
July 31.	To Balance of last account, July 31, 1858 .			139	0	0
	Annual Subscriptions for the year 1857-8			8	8	0
	Do. do. 1858-9			832	7	0
	Do. do. 1859-60			2	11	0
	Life Subscribers			178	10	0
	Surplus from Liverpool Meeting	£678	3 11			
	Deduct Annual and Life Subscriptions included in the above	£592	4 0	85	19	11
	Copies of 'Transactions' sold			6	14	3
				1253	10	2

1859	Cr.			£	s.	d.
July 21.	By expenses of publishing 'Transactions,' 1857			261	15	3
	Do. do. 1858			521	17	0
	'Philanthropist' distributed to Subscribers			26	10	0
	Grant to Mercantile Law Committee .			50	0	0
	Grant to Liverpool Committee . . .			30	0	0
	Rent of offices			100	0	0
	Salaries			100	0	0
	Collectors' Commission			20	12	0
	Reporters			9	0	0
	Printing			39	16	0
	Travelling expenses, Secretary and Assistants			24	8	9
	Office expenses, Postages, &c. . . .			36	17	9
	Payments for Bankruptcy Committee .			7	12	0
	Balance at Bankers . .	23	19 11			
	Balance at Office . . .	1	1 6	25	1	5
				1253	10	2

We have audited the above Account, and found it correct.

JAMES WATERSAW

THE SERMON

Preached before the Association, at the Parish Church, Bradford,

ON MONDAY, OCTOBER 10,

BY THE

RIGHT REV. THE LORD BISHOP OF RIPON.

HOSEA IV. 6.

'My people are destroyed for lack of knowledge.'

THE term knowledge is not infrequently employed in the Bible to denote piety; ignorance being regarded as irreligion, and godliness the evidence of genuine wisdom.

From this common application of the term knowledge, it might be supposed at first sight that such is the meaning of the expression as it occurs in the text; as if the Prophet who is here speaking in the name of God intended to bewail the ungodliness of the nation when he exclaimed 'My people are destroyed for lack of knowledge.' But a closer examination of the passage will make it evident that such is not the primary meaning—for the context shows that the Prophet's language was uttered in rebuke to the ministers of religion who by the office they held were set apart as instructors of the people; it was for neglecting this part of their duty these pastors were held justly to blame, and the Prophet here charges upon them the calamities which had resulted from their oversight. It was their duty to have spared no pains to instruct and to warn those around them, and having failed to discharge their duty, they were held responsible for the disastrous results which followed from the ignorance of the people.

At the same time it was the want of knowledge which produced or fostered the want of godliness. And after all it must have been the ungodliness of the nation which exposed it to ruin. Hence it is immaterial whether you interpret the lack of knowledge referred to in the text to mean ignorance in general, or simply that impiety which was the inevitable effect

of such ignorance. In either case the result was truly a
stronger language could not be used. The Prophet
merely exclaim, 'My people are injured or disadvanta
words are, 'My people are *destroyed* for lack of kn
Mental ignorance had generated moral depravity, a
depravity had resulted in national perdition. Such is t
ment of the Prophet in the text; a statement pregn
important meaning, and suggestive of consideratio
are by no means inappropriate to the occasion of ou
assembly. In handling the passage it will not be nec
enlarge upon the case of those concerning whom the de
was first made; I shall proceed at once in the attempt
trate the principle as one of general application—that
knowledge, leading to defective piety, has a natural ten
precipitate national ruin. And in the first place I w
you to consider the knowledge spoken of in the text to m
ply acquaintance with the true God; such as we can onl
through His revealed Word. The principle announce
text is that the lack of knowledge, or the ignoran
revelation, is destructive in its tendency. The Proph
guage refers clearly to the people at large, and seems t
the advantage which accrues from the possession of
truth, and the evil which results when this boon is with

Who can fail to see this principle manifested in the
which may be observed between nations which are eve
nally Christian, and others where there is no correct kn
of the One living and true God? Does not experience amp
that wheresoever the truths of revelation find access to a c
in proportion as those truths are apprehended, there is
vancement in all that contributes to the general goo
peace, and prosperity of the community? There is an el
in the social scale, a firmer tone of civilization, a purer m
and a loftier degree of intelligence by which a Christian
invariably distinguished.

What do the results of missionary enterprise attest,
that to circulate freely amongst the inhabitants of a la
written Word of God, to give them that Word in the
language, and to establish amongst them the ordina
Christianity, is to adopt at once the surest and the
expeditious method to eradicate barbarism and vice,
promote civilization and freedom?

The annals of missionary effort, as prosecuted amidst
every variety of clime and kindred, afford abundant ev
that the introduction of revealed truth amongst a h
tribe, provided only this be followed by the reception c
truth as a divinely inspired communication, will gener

productive of a marked elevation of that tribe in the scale of social and moral greatness. Nor is it by any means difficult to account for this.

We turn to the pages of revelation, and who can examine the precepts of God and fail to admit that in vain could the wisdom of man attempt to frame a system of laws more conducive to the welfare of mankind as inhabitants of earth or the heirs of immortality? Why, only look at the precepts with which the Bible abounds. See how they bid each, in the allotted sphere within which God's providence has placed him, aim diligently to fulfil the duties of his own station; mark how these precepts are so framed as to meet every variety of circumstance or condition in which men are placed. Observe how they prescribe rules alike for those who govern and for those who are under authority. Is not every vicious practice unsparingly condemned? Is not every virtue which can ennoble or adorn invariably commended? And can there be a doubt that, were the precepts of the Bible universally obeyed, a result would be reached in which every patriot or philanthropist would have reason to rejoice? There is no relative duty, there is no social virtue, there is no public sacrifice, there is no domestic charity which the revealed Word of God does not sanction or enjoin. Let once the religion of the Bible become the religion of the land—I mean, let it be, not simply recognised in the creed of the nation, but let it exercise its own legitimate influence over human prejudice and passion—let it be enshrined in the hearts of our people,—and who can exaggerate the moral loveliness which would then shed its lustre over the whole framework of society? Yes, and in proof of this, can we not point to results which have been already obtained? Take the case of our own country. I admit—for who can deny the melancholy fact?—that we are far, as a nation, from being thoroughly under the influence of God's revealed Truth. To a lamentable extent our national faith is a profession to which our national conduct is but a painful contradiction. Yet, for all this, we owe much to the possession of a revelation; if our national Christianity has not done all we could wish, it has nevertheless done a great deal. In no other country has civilization made more rapid strides; nowhere else has science, in her every department, advanced with firmer step or attained to finer results. In no other country is there a purer tone of morality pervading society—nowhere else has there been so much done to lighten the pressure of human calamity, to ameliorate the condition of all orders in the community, to search out, and, wheresoever possible, to remedy, existing evils—nowhere else is there so much of civil freedom combined with such firmness and equity in the admi-

nistration of law—nowhere else have there been set in motion so many springs of active benevolence to bless the world at large. These are at least some of the fruits which have followed from the possession of God's revealed truth; and surely, if we cast our eye to any country where the light of revelation has not penetrated, and contrast the state of things which there prevails with what we witness around us—the moral debasement, the intellectual degradation, the predominance of evil of all kinds—to what conclusion can we arrive if not this, that the ignorance of God's revealed truth must be at the root of national inferiority; or, in other words, that it is the lack of divine knowledge which is the main cause of national decay and perdition.

Thus far I have simply noticed the temporal disadvantages which result from a deprivation of revealed truth. Certain it is that wheresoever a nation is left without any correct knowledge of the true God, or without the knowledge which revelation only can impart, you generally find human nature miserably depraved. The reason, in such cases, appears altogether darkened; falsehood prevails. There are false ideas of God; of the present state in which men are placed, and of the future towards which they are hastening. They have false standards of right and wrong. Theft is not infrequently accounted a virtue, falsehood no crime, vice no reproach. Nay, the vilest passions of our nature, cruelty, lust, and licentiousness, have been worshipped as so many invented deities.

And I believe experience evidences, that the most effectual mode of rescuing a people from this state of intellectual and moral debasement is to impart to them the knowledge of revealed truth. I do not undervalue other expedients in the effort to civilize; but it is in vain to rely upon these expedients apart from the Bible. The highest and purest civilization is the fruit of Christianity. The experiment has been tried. The heralds of Christ's cross have gone forth to the heathen tribes. They have grappled with the falsehoods to which the people have ignorantly given credence; they have proclaimed the unity of the one true self-existent God, Creator and former of the heavens and the earth; they have preached Jesus; they have told of His infinite condescension and grace; they have made known the tidings of redemption through His blood, and published the offer of eternal life to every believer in His name; nor is there any form of superstition or idolatry which has not yielded to the force of this simple weapon—the preaching of God's revealed truth. Long cherished superstitions have been abandoned, idolatrous worship renounced; the one true God has been worshipped through the one Mediator, Christ; and so

marvellous has been the change effected in those who have thus embraced Christianity, as abundantly to evidence, by the very contrast which their case has afforded to that of the unevangelized, that it is for lack of divine knowledge the people are destroyed.

In the application of the text, however, it should not be overlooked that the Prophet originally spoke these words, not of the heathen, but of a race pre-eminently favoured with revelation; and surely it is a far more affecting consideration which is presented to our notice, when we regard the declaration as having been made concerning a people who were actually in possession of God's revealed truth. It appears from hence, that there may be such a case as that of a professedly Christian nation, answering to the description which God here gives, 'My people,' and yet exposed to perdition for lack of knowledge. It becomes important to inquire how such a calamity may occur. The answer is not difficult. It may arise either from the want of sound knowledge; as when the Gospel is not given to a people in all its integrity, or not given in sufficiency to all; or it may arise from the lack of experimental knowledge, as where the statements of revelation are lodged in the intellect, but not wrought into the heart. Now, either of these causes may lead to that fearful result to which the text points. I deprecate, as one of the most formidable of evils, a mutilated Bible, or a defective exhibition of revealed truth; God is indeed independent of human instrumentality, and in the operations of grace as carried forward by the Holy Spirit on the heart and conscience, He can act either with or without any visible means: yet upon us lies the responsibility of using appointed instruments; nor have we any warrant to look for success apart from the faithful employment of them. We must withhold no part of God's revealed message; whether that message relate to man's total degeneracy by nature; his exposure to God's wrath and condemnation; his inability by any power of his own to think a good thought or perform a right action, the perverseness of his will and the corruption of his heart; his redemption through the atoning blood of the Incarnate Word of God. Forgiveness and acceptance with God, the result of a saving faith in the Mediator; Sanctification, the indispensable requisite for an entrance into heaven, the work of God's Holy Spirit in all them that are justified; a living faith in Christ Jesus, the instrumental cause of man's deliverance; and good works, the evidence of possessing Christian faith; salvation, the gift of God to every believer; and yet the judgment hereafter according to works: upon all these several portions of revealed truth the statements we put forth must be full and explicit, otherwise

there will be but a defective exhibition of divine truth, which may imperil the safety of those to whom it is presented.

If the depravity of human nature be disguised or underrated; if there be any keeping back of the atonement, or reservation in the preaching of the Cross; if Christ's righteousness be not proclaimed as the only ground of acceptance with God; if the scriptural order be reversed, and sanctification be represented as a claim to acceptance, in place of being the fruit which flows out of our justification,—this is to give a defective representation of truth, which may serve only to bewilder and mislead, till even, of the possessors of a revelation, it may again come true, as of ancient Israel, 'My people are destroyed for lack of knowledge.'

Again, there may be a lack of experimental knowledge, equally destructive in its tendency. The reception of revealed truth into the heart is widely different from a man's intellectual acquisition. 'We must not think that we have attained to the right knowledge of the truth when we have broken through the outward shell of words and phrases that house it up.' Truth may be graven on the tablets of memory without being enthroned in the heart. Human reasoning may guide to an orthodox creed; it is the work of the Holy Ghost to effect an entrance for that creed into the heart, so that the fruit may be eternal life. Yet nothing short of this practical experimental knowledge will secure from perdition. A sound creed is indeed all-important. But, above all, guard the distinction between intellectual and saving acquaintance with Christian truth. It is one thing to confess the corruption in general of human nature; it is another thing so to realize one's own participation in that depravity as never to rest satisfied till we have plunged in the only Fountain at which sin can be cleansed. It is one thing to know that man cannot be saved except through Christ's merits; it is another thing to lay hold of His righteousness in the exercise of genuine faith. Never, then, let us rest in mere theoretical knowledge; without that experimental acquaintance with truth which alone is of saving worth; for it is too possible that a man may hear of that Saviour who is revealed in God's Word, and be familiar with the whole theory of Redemption, and be able to battle for the truth of Scripture in opposition to falsehood, and yet be a stranger to that saving knowledge of the Redeemer, to be devoid of which is to be in the same position with those concerning whom the lament was poured forth, 'My people are destroyed for lack of knowledge.'

May I not add, in conclusion, there are considerations flowing out of what has been urged, which may fitly be present to our minds during the deliberations of the ensuing week.

I hail the 'National Association for the Promotion of Social Science' as an association which is admirably adapted to advance the best interests of the country at large; for sure I am, the further your investigations are carried into all the great topics which you are organized as an association to consider, the more apparent will it become that righteousness exalteth a nation, and sin is a reproach to any people. Whatever tends to expose the real sources of the nation's strength upon the one hand, and of her weakness upon the other, can scarcely fail to be productive of immense advantage. It is a noble object for which to combine—the promotion of Social Science—the detection of the causes which retard the public good, and the discovery of the fitting remedies to be applied to every form of social evil; many of these causes lie, as it were, on the surface, and many a remedial measure may suggest itself even to the superficial inquirer. It needs but a little ingenuity to perceive, for example, what an advantage would be gained could the laws by which we are governed be so simplified and arranged as to be equally easy of comprehension and of access to all who desire to be familiar with the fruits of legislation. Great benefits, of various kinds, would thereby be secured to the people at large, to say nothing of the removal of evils which comparatively few have failed in some degree to experience. But what a field for patient inquiry and research is presented to every Christian patriot by the great question of education; what education really is; in what form and upon what principles it is to be conducted; how far it should be aided or enforced by the State. All these questions have an absorbing interest, and cannot be too carefully or earnestly considered. The like observation applies to the momentous subject relating to the repression of crime, the punishment of offences, and the reformation of criminals. All these questions are intimately connected with religion, and cannot properly be considered apart from it; for, how can we educate aright without taking into account the immortal part of man's being—the soul, which can never die—the moral disorders which nothing but the Gospel can heal? and how can we act upon soul but by the truth which is derived from revelation?

Again, with regard to crime, leave out the principles of the Gospel of Christ, and you lose sight of the only effectual leverage whereby to elevate from moral degradation the unhappy slaves of vice. Again, it is the object of this Association to investigate subjects relating to public health and social economy. Here there is presented a field for investigation where the inquiries which you make may redound to the interests of morality and religion. Nothing is capable of more certain

proof than this, that the physical circumstances in which men are placed—the abodes in which they live—may present a fatally counteracting influence to every attempt for their moral, religious, or even social improvement. Overcrowded dwellings, occasioning the utter absence of all habits of self-respect, are destructive to morality, still more to religion. I anticipate unmixed good from the free discussion of topics like these. The exposure of an evil is at least one important step towards its correction; and if this Association should succeed not only in detecting the causes which retard our social progress, but in pointing out the remedy, it will have presented claims to the lasting gratitude of the nation at large.

Go forth, then, on your high and holy enterprise, in dependence upon the wisdom which comes from above. May He who is the Spirit of Truth be with you in all your deliberations and conduct you to truthful issues; let us, however, keep steadily in view this great principle, that, be the secondary causes of national or social evil what they may, the primary cause is ignorance of the one true God and of his Son Jesus. It is for lack of knowledge—the knowledge of God as a reconciled Father in Christ—that nations, no less than individuals, are plunged into misery. Therefore may we bear in mind that the true secret of national greatness lies in subjection to the will of Him who is King of kings and Lord of lords. 'The people that do know their God shall be strong.' 'Wisdom is a defence, and money is a defence, but the excellency of this knowledge is that it giveth life to him that hath it.' God grant to each of us the possession of that knowledge and the enjoyment of that life.

Opening Address

BY THE

RIGHT HON. THE EARL OF SHAFTESBURY,

PRESIDENT OF THE ASSOCIATION.

THIS is the third anniversary of an Association which has been received by the public with more than usual favour. Our last meeting was attended by 666 members and 891 associates. The interest has extended to foreign countries, which have already adorned our lists with some valuable corresponding members; and our home list exhibits many of the best in the land in all the various departments of public and private, political and commercial, scientific and social life. The seats, too, of our operations are worthy of note; because they attest the approval and support of large bodies of enlightened men and patriotic citizens. Towns, unrivalled in wealth and industry, have admitted us into their bosom. Birmingham received us in our infancy; Liverpool as we emerged from it; and now the good old town of Bradford encourages us in our strengthening age, offering a hospitality, in which I may presume to say that I singularly rejoice, seeing that it is the scene of my earliest labours and the commercial field of some of my most valued and efficient friends.

Now, much of the favour that we enjoy must be ascribed to the practical character of the Association; to the nature and variety of the subjects that it handles; to the recognition of the large surface that its purpose covers, and the minute spaces, nevertheless, to which its principles may be applied; to the fact that so many—nay, it may be asserted that all—of every calling, condition, and degree, have a deep, an individual, and an equal interest in the work; the rich and the poor; the men of leisure and the sons of toil; that it spreads through all parts of the country, and calls forth such abundant and hearty co-operation in speech, and writing, and personal attendance, under the conviction that all these efforts are directed to the removal of evils, and the institution of remedies, which, physically and

morally, will restore comfort, decency, and assurance to palace-homes and the cottage-homes alike, of Old Engla But not a little is due to the share that women have taken, most beneficially taken, in the business of this society. It enlisted their feelings and their exertions on its behalf. Lo committees, branch associations for general or specific act (and consisting altogether of ladies), have been established several places. We have seen the profitable results in various publications they have issued, replete with femin acuteness of observation and minuteness of detail, composed a clear and winning style, and calculated to render sanit science and sanitary practice intelligible and acceptable in daily, nay hourly, walks of humblest life. This is no trifli advantage, to have gained the whole female sex as our sym thizers and fellow-labourers. I say nothing of having th added to our forces one-half of creation; but I insist on value and peculiar nature of the assistance; men may disco principles, write big treatises, and indicate, and do, what must done on a large scale—but the instant the work becomes minu individual, and personal; the instant that it leaves the op field, and touches the home; the instant it requires tact, sen ment, and delicacy; from that instant it passes into the han of women. It is essentially their province, in which may exercised all their moral powers, and all their intellectual faculti It will give them their full share in the vast operations that t world is yet to see; and while the multiplication of Gre Easterns, of Atlantic Telegraphs, and Lord Rosse's telescop (departments of intellect arrogated to themselves by the ma sex, and inventions, in fact, to give greater ease to the alrea easy of mankind), while these add, day by day, to the wond and activity of the inhabitants of every clime, woman will i terpose to save the millions from neglect, and will labour show that 'the mint, the anise, and the cummin' are as muc the care of a thoughtful Providence as the mightiest of t cedars of Lebanon. Let me not be supposed to decry archae logy, science, geology, or anything that exercises and enrich the understanding; anything that gives the intellectual an a cendancy over the sensual part of man—I admit their valu nay, their necessity. It is desirable—it is more—it is indi pensable to have something to employ all tastes, all ment qualifications, each one according to its bent and genius. Bu at a meeting such as this, we are called to consider the greate amount of interest and improvement for the greatest number and the pursuits to which I have alluded cannot, undoubtedl touch the masses so deeply as those which affect their daily lif

—they are far more the business of leisure and education; while ours are only preliminaries to an enlarged state of things, when such studies may be more generally adopted, because more easily pursued. Let us, ourselves, see, and teach the people to see, that their social, but removable, discomforts fret and enfeeble them, and render them unfit for higher thoughts. Nor are the wealthier and more refined classes, when duly informed of these matters, without moral and material interest in them. They will relish an old tower, an ichthyosaurus, or a treatise on electricity, much more, when they find reformation on the increase, disease on the decrease, and a better comprehension and practice, by all classes, of the principles and purposes of social life.

The founders of this institution have thought fit to impose on the president of the year the task of an opening address. Such a work ought to be like the preface of a book—short, if possible, and pithy, and explanatory of the object contemplated in the text itself, though sometimes not written by the same hand that has borne the burthen of the whole composition. In conformity, therefore, with this regulation, I shall trouble you with such remarks as may introduce you to the labours of my colleagues, and of those other gentlemen who have contributed their industry and experience for our instruction. The addresses of Lord Brougham and Lord John Russell, my predecessors in this chair, have sufficiently exhibited the principles that govern our efforts, and the objects that we seek to attain. Were it not for the rule imposed, we might rest here, as all succeeding addresses must be delivered at a disadvantage, losing in freshness by repetitions which are unavoidable; and losing still more by attempts at novelty in omitting many points of force, because they have been urged before; and pressing many things that are weak, simply because they are new. But if we may be allowed to say here, as in far higher matters, 'the old is better;' we may also say in reference to the uncertainty of man's memory, and the transitory nature of his impressions, that 'to write the same things to you, to me, indeed, is not grievous, but for you it is safe.' Now, the past presents us with nothing but encouragement. I do not say that we can adduce any great results which would make a figure in statistical tables—an issue such as that must be the work of time, and of much preliminary toil. We have laboured, and we still labour, 'Naturâ tamen infirmitatis humanæ, tardiora sunt remedia quam mala.' But we have opened a field for much larger operations: we have harmonized many apparently jarring opinions, concentrated much wide-spread, irregular, and disjointed effort, and laid

down a clear line of action, and a fixed point of aim to all who might not otherwise find an object and a channel for their science and their zeal. We have made, too, no inconsiderable progress in showing where the aid of law should be invoked, and where avoided; and it is no small success to have taught people to see that to cry out 'a law, a law,' on all occasions of a grievance felt, or an evil detected, is to check private, individual, and combined exertion; oftentimes to perpetuate and extend the mischief, and to keep men from the wholesome conviction that in many matters, and especially such as these, they must be 'a law unto themselves.' Here is the spring of every generous and fruitful thought; the duty and wisdom of a free people, and an excellent mode of bringing conscience to bear in such a way that 'we may look not only on our own things, but every man also on the things of others.' This Association consists of teachers, not of doers. Had it been the reverse, you might have demanded, after two years, manifest and material results. But as it is, time must be allowed before a harvest can be gathered; and we are justified when we ask you, for the present, to be content that we have infused the leaven—that we have abated many fears, and raised many hopes—that we have shown mere centralization, as it is called, to be both impolitic and impossible—and that our main instrumentality is the aid of a friendly press, meetings such as this which I have now the honour to address, and others similar to that at which, during our last anniversary, the workmen of Liverpool were assembled —a meeting which those who attended it will long and joyfully remember.

Looking to the future, we may perhaps say, as the great La Place, when speaking of astronomy, said to a friend of mine, 'We have principles and science in abundance; give us more facts.' Our position is not dissimilar; we know the causes of many physical and moral evils, and we know the remedies for them; but we want a vast and constantly-increasing accumulation of recent details to illustrate the power of present and approaching mischiefs, so as to force the public by the induction of copious particulars to come to the same view as ourselves, and so arrive at an effective conclusion. Society, generally speaking, seldom takes up questions of this kind except under the pressure of alarm or of necessity; and, not unfrequently, when the necessity has been perceived too late. Its movements then are desultory, hysterical, and soon exhausted; and the matter remains untouched, and as dangerous as before. While the state of things is apparently smooth and satisfactory; when collective masses are at ease, and the mischief is only local or individual, the warnings of far-seeing and experienced men are

treated simply as amiable errors, or the exercitations of prurient intellects. In times of terror, society will demand any remedy, and submit to any enactments however crude, and however akin, in peril to the evil it would remove. But this is an unhealthy and untrustworthy condition of things—we need a calm, constant, and preventive policy, always on the watch, giving notice of every form of evil, and every opportunity of good; listened to with favour; and weighed, when it speaks, with due deliberation; a frame of mind, which we cannot hope will arise until the common sense of the public shall have been enlightened by various and sustained information, impressed by the convictions of duty, and brought to a sentiment of confidence both in the measures and in the men who are to carry them into execution. If this were the normal position of the British mind, we should have little difficulty in persuading it to 'refuse the evil, and to choose the good.' Our single and sectional presidents, with all the host of worthies who follow in their train, would have little more to do than to adduce their facts, and be sure of their being submitted to a patient, sagacious, and friendly examination;

> But wisest Fate says no;
> It must not yet be so.

We must go on, as heretofore, in multiplication of details; in proofs of success, in warnings, in appeals; by stirring the thoughts of public and private benefit, of public and private danger; by leading men to rise from the sense of self-preservation to the pleasure of social improvement; from the pleasure of social improvement to that from which we ought to commence—the sense of duty; and then, from this highest point of human action, the rich and the leisurely, the wielders of science and the holders of power—all who have some means of doing good in their generation (and who has not?)—may enjoy, in their efforts for the sons and daughters of toil, for those who have much time to labour and little time to think, who have barely strength enough for the evil of the day, and none to spare for that of the coming one—these, I say, may then enter into the full fruition of the great truth, that 'it is more blessed to give than to receive.'

The subject-matter of the several departments has been admirably selected; and to no one can a preference be assigned as being of more intrinsic value than the rest. But some may be more popularly treated than others, and be more within the management of the speaker and the comprehension of the hearer. The subject of the law, for instance, would, to use the language of Hooker, be in my hands 'dark, intricate, and unfamiliar.' This great study is a science of itself; and though

the laity, as they term us in reference to the three a
schools of law, physic, and divinity, can feel the imperfe
of various statutes, ardently desire their improvement, ar
joice that the whole question is submitted to the investig
and agency of meetings such as this, they know that the
and the remedies must be stated in a style and a phrase
which can be handled with grace and effect by none bu
most skilful practitioners. And, indeed, we may gather tl
be the opinion of the council of the Association, seeing that
in the present and last annual meeting they have assigne
sectional presidency of jurisprudence to professional gentl
so remarkably distinguished for ability and learning.

On the subject of education, however, there is not the
degree of modesty and reserve. We all believe that on
head we know something and can add something to the ge
information. This, if not precisely accurate, is at least a he
sign as contrasted with past days, when many were indiffe
and not a few adverse, to the education of the people. A
great advance has been made of late years, in the sense of
duty, the acquisition of experience, and the application of p
ciples. We must not be dejected, either by general complain
inadequate numbers under instruction, or by terrors set ou
statistical tables. In masses of population such as ours t
will ever be many thousands, who, from a variety of causes,
never enter any school at all, and many to crowd the po
courts, occupy the judges of assize, and be paraded in the crim
returns. Let us do all that in us lies to abate these figu
but, at the same time, let us take the full comfort of conside
these things negatively; not what the case is, but what it mi
have been; not what it is, but what it is not. Your efforts h
not been vain. Had not the country been induced, some ye
ago, to look the evil in the face, and do its best in the encoun
it would, by this time, have attained gigantic and irresisti
proportions, and we should, I verily believe, have been a p
to superstition, brutality, and violence. Besides, too, we m
remember, that the lists of offences do not, by any means, f
nish the lists of distinct offenders; a catalogue of 10, nay,
crimes, may represent the achievements of a single crimin
The professional rogues, those to whom the daily breach of t
majority of the Ten Commandments is the sole source of su
sistence, are few in relation to the numbers of the people; a
among them will several always be found with whom it is a pa
sion and a delight, who prefer the hazards, the hairbread
escapes, the occasional punishment, the hourly excitement,
the far larger gains of honest industry, and on whom the mo
careful education, both at home and at school, has failed

make any immediate and perceptible impression. I say 'immediate and perceptible,' because I am disposed to believe that deep moral and religious training, wisely and affectionately administered, though it may appear for a while to be unheeded, will oftentimes bring forth its fruit after a long interval of years, and in great change of circumstances. It is with the criminal and the non-criminal alike. But, in discussing education, we are apt to be indefinite, and, unknowingly, regard it in different points of view — sometimes it is moral, sometimes intellectual, sometimes both. But they are very diverse. The intellectual, so to speak, can be given anywhere, and, with some increase of difficulty, even in mature age; the moral, with very few exceptions, can be given in its perfection only at home, and in the very earliest years. The intellectual training of a child may be so lost as to require in later life a renewed course of discipline and study; but the moral, long forgotten and despised, may be revived in an hour of fear or suffering, in the sudden recollection, perhaps, of the very words of some dying mother, and on the instant turn the hardest heart to thoughts of purity and peace. If this be so, we see the sacred importance of the homes of England, and we have a proof that the education of the people demands its preliminaries and accompaniments; and needs something more than a certain amount of subjects, and the best system of imparting them. We are frequently startled, in courts of justice and reports of inspectors, by revelations of ignorance; and it is wholesome that we should be so. But let us observe, by way of explanation, that though in many districts there are schools enough, and teachers enough, very many children are never sent to them, and, except under compulsion by law, (which God forbid,) never will be; that there are yet many trades and businesses in which the children, who may be counted by thousands, are, by the excess and nature of their toil, excluded from all hope or possibility of education, or even of repose—a state of things destructive alike to their souls and bodies; and that when others are submitted to the intellectual test, they oftentimes cannot repeat the 'week-verse,' a fact which does not prove that they never knew it, but that they have quite forgotten it. I appeal to the clergy, teachers, ministers of all denominations, whether in their laborious and earnest career they do not undergo almost daily mortification in the ignorance and neglect of those who, years before, were the pride and joy of their hearts! And can we wonder at it? Taken at early ages from school, these boys and girls are launched into work, removed from domestic or any other guidance. One or two here and there may possess such an indomitable love of knowledge as to give their vacant hours,

unaided, to the increase of their stores. Most of them y
the indomitable love of pleasure; while a few may be ri
accept the proffered help of those who might enable the
redeem the time.' Hence the necessity (however feeble
may be the means) of evening classes in the agricultur
manufacturing districts. This subject demands far more
sion and experiment. The thing is prodigiously valuabl
prodigiously difficult; and the man who will populari
perfect it, will be as great a benefactor in his generation
inventors of Sunday and ragged schools.

The same may be said, I think, of industrial teaching
principle has never, so far as I know, been disputed; bu
men differ widely as to the mode, character, and extent
application. I myself have seen a little of it; and I am
posed to regard it as very beneficial (indeed to all classes
as making the boys real proficients in any department of la
such as tailoring, shoemaking, carpentering (for they may
follow the trade they have begun), but as teaching them
habits of industry, and showing them that it is both luc
and honourable. But these classes are more easy of adapt
to females, because everything that they learn, be it was
sewing, or cooking, must be of use to them as wives
mothers in after-life. And here I may express a passing
that, while no attention be withdrawn from the boys, a
may be given to the girls. They are sadly overlooked in
remedial and preventive systems; and yet women are the m
stay and protectors of social life. All this during the time
the children remain 'under tutors and governors.' But
comes the time when the poorer sort go out into service
mingle with the world. Then begins the principal dan
Utterly inexperienced, fresh in appetite and passion, with
the wildness of youthful liberty, they are surrounded by ev
form of allurement. Depend upon it—surely I may sp
without fear of contradiction—that temptation to vice and lic
tiousness, in its manifold and various phases, makes tenf
aye, fiftyfold, more delinquents than all the poverty and ig
rance put together. It would be endless to enumerate
sources of temptation; I name but a few:—Money left ca
lessly about; goods recklessly exposed in shop windows; l
theatres; fairs; low company; dancing taverns; gin-palac
with measures for the least and the youngest; dealers in mar
stores, which is the euphonious term for receivers of stol
goods, with the certainty of prompt payment for the thi
stolen; and, for a class somewhat higher, casinos, betting-clu
low races, and the like. Now, none but those who have se
them, heard them, and as it were felt them, can estimate t

fatal power they exercise over all, especially the young. Many a ragged child has admitted to me that its first fault was 'stealing a copper' to go to the 'penny gaff;' and others a little more elevated in the scale, and thereby somewhat more scrupulous, are lured into those hotbeds of vice and folly, believing that there is no harm therein, because these receptacles, stripped in modern artifice of their former grossness, hide the real work of corruption under the appearance of external decency.

This is the state of things—I do not pretend to say how it can be amended; but it is right that you should know it. Here, however, a question arises as to when education may be supposed to terminate. Is it closed with the period of school, or may it not, in one sense, be said to go on through the whole of life? If so, then let us endeavour to meet one influence by another—Establish counteracting attractions; they may be comparatively feeble, but you will save some. There are lectures 'grave, gay, lively, and severe;' unions for mutual improvement—here many of the members may commence, or recommence, the study of the first elements: may fasten on the subject they like best, and pursue it with all the zeal and delight that belong to a natural, and not a forced undertaking, proving, in the issue, that the education which a man gives to himself is ever the most lasting and the most effective. There are reading-rooms, coffee-clubs, Young Men's Christian Associations, lending libraries, and penny banks. It is well to classify trades and callings; the effect is good, for it gives them a corporate spirit and self-respect. I will mention but the one last founded, the 'Society for Improving the Condition of Cabmen.' Here is a class (I am speaking of the metropolis), consisting, with their helpers, of some 15,000 persons—a class hitherto very little known, much reviled, and, as is always the case, pronounced incurable. Well, we have established local clubs in several districts, provided rooms, libraries, and all the necessary adjuncts; left the members to raise, in great measure, their own funds, name their own committees, and manage their own affairs. The movement has been received with much favour; and the wives especially, recent as has been their establishment, are loud in their gratitude and joy. That these things have contributed to educate the people—if education may be regarded as the means of fitting them for daily life—is manifested by the results we now constantly see. Mr. Cassell, the publisher, offered prizes for the best essays by working men on specified subjects. I had the honour to be the judge of those on sanitary matters and social economy. A great number were passed under review; and few things have ever impressed me more than the good sense, sound morality, and practical

knowledge exhibited by the writers. Again, we formed a penny bank to collect the children's gleanings of 60 ragged schools. The collections in one year alone amounted to 2000*l.*! Was nothing done here to teach order, thrift, management to thousands of the community; and how to substitute the solid savings bank for the tommy-shop and the beer-house? But so many wise, good, and earnest people of both sexes are engaged on this subject that we need not fear any want of attention to it. It is of unspeakable importance for the present, for the future, for internal peace, for external security—and the time is coming fast when Great Britain will require that to sustain her power, her vocation, and even her independence, there be not in body or mind one feeble person among her tribes.

The subject of punishment and reformation may be no doubt simplified and reduced within narrow limits by a wider diffusion of education. But education will not be sufficient alone. There are very few specific remedies for specific evils. Amendments will for the most part be effected by combination of efforts and variety of applications. Inquire, for instance, how much crime is caused by drunkenness — not only in the moment of intoxication, but by the condition of life, and habit of body, brought on by inebriety. But then, go further, and inquire how much of that habit of inebriety is due to the social and domiciliary state of large masses of the operative classes; to their drinking usages, and the state of the workshops. Our admirable friend, Dr. Southwood Smith—to whom humanity is so deeply indebted—has oftentimes remarked,—'When I see a wayward, fretful, fractious child, I say, in many cases, that child needs medicine, and not punishment.' And so might not (why put the question, for we know it does?)—might not a row of well-drained, well-ventilated, well-arranged cottages supersede a well-built, well-ordered, and expensive prison-house? Thus almost all the subjects of our meeting run one into the other.

On the principle of reformatories for children and young persons under a certain age, there is no longer any dispute; and by a judicious and farsighted management of them we may bring good out of evil, and supply many trustworthy and well-trained lads to the navy, the colonies, and various industrial departments. The inquiry, however, should be extended to refuges, which are oftentimes preventive of reformatories, as I am sure many of those present will be able to testify. I still persist in the opinion that I ventured, some years ago, to embody in a bill, in which power was given to the police to take any vagrant or begging child before a magistrate, who, according to the evidence, might send the child to the workhouse, or

any place open to receive it; make the parents responsible for the charge; and imprison them in case of refusal or non-payment. The bill passed the House of Lords, and was rejected by the Commons; but I had the testimony of most of the London magistrates, the police, and many others of great experience, that such a system would, in little more than twelve months, have dried up one great source of juvenile delinquency; for in this, as in other cases, poverty is not the cause; many of the parents, or guardians, if they may be so called, besides the gains of those wretched striplings, have, as I have learned on investigation, resources of their own to the extent sometimes of 30*s*. a week.

But on the principle of reformatories for adults—reformatories I mean at private, not at the public expense—there is more difference of opinion. The difficulty, I admit, is great. These institutions are more costly; they require much patience, skill, and forbearance, and a heart proof against a series of disappointments. But we must consider not only the difficulty but the necessity of the effort. The class which, after the period of sentence, is turned loose again upon the world has always been large; but since the repeal of the penalty of transportation, it has become much larger. They must be dealt with; to disregard them, as some people in fact, though hardly in words, propose, is impossible. If the public would ignore them, they will not ignore the public, but will, in self-preservation, resort again to violence and plunder. Employment, emigration, or renewed imprisonment are the three courses open for the treatment of these men. Renewed imprisonment is hopeless, cruel, and, on the full scale, impracticable. It would be the incarceration of an army. Employment requires some preliminary character, when the market to which they apply is already overstocked; and to send them out as free emigrants would be barely justifiable, unless we had a tolerable assurance that we were not inflicting a curse on the land of their adoption. Many men, we believe, leave the prisons with good intentions, but relapse into crime from the impossibility of obtaining an honest livelihood. Our records of emigration show a compensating success. We may state that 45 per cent. are reclaimed to an orderly life, and that few, or none of these, fall away from it. Surely this subject requires very mature deliberation before it be cast aside!

The public health and social economy, though they are so intertwined that we cannot handle the one without touching the other, are yet so extensive, various, and important in their details, that they justly claim a president, vice-presidents, and secretaries for each department. The consideration of the

public health involves far more than the mere physical status of the population. It has its physical aspect certainly; but it has also its moral, political, and financial aspects. Public health, with all its accompaniments, is the end, and social economy the means, by which we endeavour to arrive at it. To those who have never investigated these things, our activity and earnestness appear speculative and fanatical. But we assert that it is the study of the prime laws and requirements of our nature. We observe an enormous amount of physical degradation and suffering; and we are filled with apprehension and pity. We examine still further, and we perceive its direful effects on the moral, social, and political condition of millions of the human race. Our feelings rise absolutely to terror, and then begin to awaken the conscience. Science, zeal, piety, and prayer come to our aid; we learn and apply the preventive and remedial agencies, and soon perceive that, though death is the lot of all, a vast proportion of the disease that hastens his approach, and incapacitates and dishonours life before he comes, is self-inflicted by man, and not divinely imposed—that the certainty of such an issue, if we are unmindful, is one of the temptations or trials to which we are subjected; but that in this, as in all other things, we are not tried above that we are able, but with the trial a way also is made for escape, that we may be able to bear it. Nor are we without the sanction of Scripture itself, not only for the principles, but in some measure for the details, of sanitary provisions. The health and comfort of society, with the decency and preservation of individual life, were deemed worthy of a place in the Levitical code—and now, after more than 3000 years, whether we contend with epidemics, or endeavour to regulate the ordinary course of the public health, we are carrying into effect, aided by the more scientific processes of modern days, the principles laid down by the inspired Lawgiver. It is in the Departments only that these points can be fully and minutely discussed; and, indeed, time would fail one here to do more than indicate what we hope will be their business and the business of the public. The enormous mortality of children and adults may be viewed in both a formidable and a consolatory aspect; formidable in respect of its amount; consolatory, that it is so largely preventible. Now, the nation has a deep and lasting interest in the physical welfare of all her children, not merely in their numerical existence, but in the power and duration of their working life. 'In the multitude of the people,' says Solomon, 'is the King's honour:' most true; but not in a sickly, enfeebled, incapable multitude. She needs her people, every day more and more, for the industrial and military purposes of the country; she needs many to

be retained at home, and many to go out in emigration, peopling the vast wastes of the earth with the Anglo-Saxon race. But if they go, let them go as children, not as outcasts; unbroken in allegiance, unbroken in affection, and not in a spirit which, in the day of their prosperity, shall say 'Corban' to their parent in any hour of her peril. Whatever may be the doubts and contradictions of those who have not investigated these matters for themselves, no one who has done so will hesitate to pronounce as to their powerful influence on the disposition, habits, and moral character of the people. 'In England and Wales alone,' writes Dr. Gavin Milroy in a letter to me, 'the Registrar-General states that between 50,000 and 60,000 deaths at least every year, may be regarded as premature and avoidable. . . . It has been calculated that, upon the general aggregate of diseases, there are between 20 and 30 cases of sickness for every death which takes place. At the very lowest estimate, it would thus appear that there is at least more than a million attacks of illness in the course of the year which might be avoided by greater attention to the hygiene of the poor.' This is most true; pauperization, fretfulness, disruption of families and domestic life, nervous excitement, and a fury for drink follow on these ravages. Filth and miasma will, in some form or other, accomplish their work, and like evil spirits, anxious only for destruction, if they cannot extinguish the physical, will corrupt the moral life of many generations. Where such agencies are rife and unchecked, there cannot long be the hope of internal peace or external security. The existence of a discontented, peevish, and grovelling people is dangerous and disreputable alike. That we are not so is due, under God, to the exertions of those wise men who called your attention to the necessity of repressive measures. That we may not be so hereafter, must be due to you, who now know the mischief, as they did, and who have the remedy in your own hands.

The lowest consideration in point of principle, though the most powerful generally in point of argument, is the question of the effect on public and private finances. To what extent the annual sums, either levied by rate, or by voluntary contributions, would be abated by the superior state of the health of the people, it might be difficult to ascertain with precision; but an estimate may easily be formed. Look to the large amount raised by rates for the relief of the poor, and remember that a very large proportion of pauperism, widowhood, and orphanage is due to the ravages of disease. Consider the number of asylums and institutions for parentless children; of hospitals and infirmaries that arise from the same source. The sickness of a family eats up, in a short time, the savings of

years, and leaves the members of it, if they survive, disabled for renewed accumulations. The crime, too, that springs from all these causes must be paid for at the public expense—in police, in prosecutions, in courts, in prisons; and still more by society, at its private cost—in thefts, and frauds, and violence, for which, perhaps, it may obtain the punishment of the offender, but for which it will certainly obtain no other compensation. Now, those who assert such things have 'not followed cunningly devised fables.' 'They speak the words of truth and soberness.' The case of Ely I mentioned last year; let me now earnestly recommend to your attention the report for 1858 of the Macclesfield local board of health. Here you will see at once what a zealous and enlightened body of men can do. They tell you that their system has been in operation for five years. The results, therefore, are beyond question. The rate of mortality in the borough was, before they began, 33 in 1000; for the last five years it has been 26 in the 1000, so that 1015 lives have been saved. In funeral expenses alone, calculated from the returns of 232 burial clubs, 8729*l.* have been saved. But there have been 28,420 less cases of sickness, and the cost of these cases being estimated, according to the data of the benefit societies, at one shilling a day for twenty days, there has been a further reduction of expense by 28,420*l.* Again, observe the increased average duration of human life. The average age of all who died in the first period was 24 years, while in the surrounding agricultural district it was 34 years. In the last five years it has been 27 years. Each year gains an accession, the last year's average being 28½ years. Thus, it proceeds, length of days by three years has been added to each inhabitant. 'A few years ago,' says the reporter, 'statements such as these were received with little favour, indeed many people affected to ridicule them. Now, however, such vital statistics have assumed an authority which prevents even the most ignorant from questioning their real value.' One more fact. 'The deaths of children under one year of age have decreased 16·3 per cent., and those under five years 4·0 per cent.' This is a sample of what has been already achieved in many parts, and of what might be achieved in every part of the United Kingdom; and well have we a right to say to every one, 'Go thou and do likewise.' But the benefits of improvements of dwellings, streets, courts, alleys—of drainage, ventilation, supply of good water, removal of nuisances, piggeries, laystalls, bone boiling, poisonous manufactures, with the whole array of noxious agencies, are now almost universally admitted. Yet many pause at the preliminary expense. It will therefore be a part of our inquiries to examine the pecuniary bearings of the whole

subject, and show, as we most undoubtedly can show, that a financial outlay on works such as these will be amply compensated by a financial return in 'good measure, pressed down, and running over.'

There are other points in social economy better adapted for the leisure of the sections than for discussion here; suburban dwellings for the working classes in the large towns are among the first—the principle of them is admirable, but we have found it difficult to devise a good practical system; limitation of the hours of labour; what a field do the inmates of workhouses present; and especially the children, of whom there were, not long ago, not less than 50,000. Now were these poor things transferred from the close and fetid spots in the densely-peopled neighbourhoods, and collected in district schools (formed by combination of parishes), of which we have such excellent instances, the benefit would be incalculable. A society has lately been established for the visitation of these institutions, a society in which ladies have taken the lead; and I trust that we shall soon be favoured by some of their reports. That the lowest depths of filth, confusion, and disease may be cleansed and regulated, is proved by the operation of the Common Lodging-House Act wherever it has been fairly introduced. Its effect has been to banish fever from these receptacles, and establish decency and order. This is matter of congratulation. Many thousands of our people, from choice or necessity, will continue to lead very migratory lives; and it is consolatory to find that they even are not beyond the reach of care and civilization. The various topics of inquiry connected with this head are concisely and clearly arranged in the official programme of our proceedings. All are, no doubt, of real importance; and the research will exercise and enrich our understandings. But while some deliberate, let some act; a few points of practical utility settled and immediately set in motion, will simplify our whole course, and solve, by operation, very many of the several intricacies that we are preparing for discussion.

One point alone remains: we ask the question—How far, and in what way, shall we promote and support the wholesome recreations of the people? Now, clearly the ruling powers should have nothing to do with such a care; let them provide parks and playgrounds, and their work is done. But what benefits would be effected by private interference? I throw it out only for conversation. Yet the matter is not of trifling importance. We might improve and direct the taste of the people, and check, in some measure, the reviving appetite for the detestable amusements of the bull-bait and the prize-ring. Harvest-homes, excursions, and things of that sort are admi-

rable, if duly managed; and I would call attention to the Olympian games at Wenlock, in Shropshire (tested by the experience of ten years), for encouragement of athletic exercises. Sure I am that this manifestation of interest begets a sympathy between all classes. A man will oftentimes be more gratified by your attention to his amusement than by your regard for his necessities. And (if the instance of the ragged schools may be quoted) we may assert that the prospect of a summer treat on the river or in the fields is far more effective for discipline during the whole preceding year, than would be twenty times its duration in length of punishment.

I entertain an ardent hope that these meetings will rise higher and higher in public favour. They are adapted to the age; they accomplish a work and satisfy a want. Their peripatetic character diffuses interest and knowledge, keeps up a perpetual novelty, and prevents stagnation—though in movement, they present a constant centre to which hints, suggestions, the various and scattered knowledge in the country, may be directed. Many minds that have hitherto slept are called into co-operation; and may, perhaps, commence a career of usefulness. Efforts are invited which otherwise might never be made, or made fruitlessly. A man may have no time nor opportunity for an elaborate treatise; but here a single sheet is submitted to the most intelligent judges; it is recorded by the daily press; and a few modest lines do more than the work of a big book. Is it forbidden to push our aspirations even higher? Is it forbidden to believe that these gatherings may be of nations, and so become, under God, subsidiary to the great issue of 'beating our swords into ploughshares, and our spears into pruning-hooks?' By the aid of Great Easterns the Channel may be reduced to a leap, and the Atlantic be only a prolonged bridge. The advantage will be great, for all these matters require wide experience; they need many minds, many habits, many views, many facts, and many men to throw light upon them. Until we can be brought to one flat resemblance throughout the world, the race must be considered in its various phases, and with reference to the peculiar difficulties and wants of each nation, and the adaptation of peculiar remedies. In this way the exchange of ideas, like the exchanges of commerce, may be truly beneficial, and an evil existing in one country may be remedied by the good existing in another. I may be told that the standard we have raised is too high; but a high standard alone will excite high efforts. We are desired 'earnestly to covet the best gifts;' and the very coveting alone of such things is the first step towards perfection.

But while we institute remedies and devise good, we may

(such is human nature) introduce new evils. Everything has a tendency to run into abuse; and a main object of this Association is to watch against such abuses, and, if possible, nip them in the bud. Let us suppose that we fail of our contemplated ends; our very failure, like the failures of alchemy, will bring a contribution of facts to true science; we shall at least have deserved the praise of Terentius Varro, that we 'did not despair of the republic.' Let us suppose that we but partially succeed in our day. Well, then, receive the measure of success with faith and joy, for who can tell what blessings may await those who, in another generation, shall enter into our labours? Let us suppose that our success is complete. Then we must remember that to use the harvest aright is no less a duty and a work than it was to obtain it. The appeal is to every one—the rich and the poor, the scientific and the ignorant, the occupied and the leisurely, the great and the small—all have their share. Oftentimes, the smallest in the eye of man is the greatest in the eye of a higher Power. We may differ in phases of thought, in modes of action, in expressions of feeling, in the stamp and colour of our opinions; but, while the differences will appear on the surface, concord may lie beneath; and may we not strive that all, of every degree, though in various sort and manner, be really and effectively combined for the one grand and final consummation, 'Glory to God in the highest; on earth, peace; good will towards men!'

Address

BY

THE RIGHT HON. LORD BROUGHAM,

PRESIDENT OF THE COUNCIL.

IN addressing you upon the present occasion of our third meeting there are so many subjects which claim our attention, that a selection must be made of those most pressing for consideration, and these very far indeed from being the only ones of great importance. This affixes one limit to the choice of topics; but another is prescribed by the maxim of always looking forward, the maxim which must guide us and all practical men—

Thinking nought done while aught remains to do.

We are therefore bound chiefly to regard the thing proposed to complete what has already been begun, or the things which have not yet been brought under our consideration.

It is impossible, in any institution like ours, that disappointment should not arise from the comparative slowness of the progress made in giving effect to the proposals offered, the changes suggested. This arises in part from the hopes and expectations of sanguine men. But it is chiefly owing to the wide difference between proposing and executing. 'Proposal,' as Lord Bacon said long ago, 'has wings, but execution leaden feet.' In the course of our speculations we meet no obstruction; our plans are more or less theories. We move forward at a rapid pace; the world of action flows slowly, its course broken by rocks, even its currents often striking against the banks. It is ever moving, like time, but at a pace so different from that of the speculative reformer hurrying along the side, that it mocks his impatience, and he is apt to think nothing done, nay, even to fancy that society is not merely stationary but retrograde, because its rate of movement is so different from his own; just as when travelling with great speed along a river side, it sometimes appears stagnant, and not to flow at all; nay, you are even under the deception of its seeming to flow backwards. But reasonable men are reconciled to the postponement of the things they

so anxiously desire, by the reflexion that all change, to be safe, must be gradual, and to be an improvement must be the result of experience, the great teacher, but the sovereign corrector too, which not only must preside over the formation of our plans, but guide us in their execution.

Let us first cast an eye abroad before dwelling upon our home concerns, and we find reason to be satisfied even with the progress begun at least in countries very far from heretofore moving even at the slow rate complained of here. In the Russian empire our proceedings in this Association have been watched with great interest. The accounts of them both in 1857 and last year have been most fully given in the St. Petersburg journals. Our corresponding members in that country assure us of the great attention given to them; and we soon shall have proofs of it in papers communicated from thence. But the government has happily undertaken the great measure of emancipating the serfs, conducting it upon sound and moderate principles; and, what might still less have been expected, a greater freedom of discussion upon all subjects has been allowed to the press. Surely we may well lament that other countries which have no serfs to liberate, but have a press to set free, show no such tendencies. Who would have thought but a little while ago of the Russian government being held up to the French for imitation, and the people for envy, in anything relating to public liberty!

Of Austria it may not be possible to speak in the same terms. Yet an important step has been made even there in favour of religious liberty. In those parts of her dominions heretofore most oppressed by ecclesiastical tyranny and bigotry, in their usual and natural alliance, it is understood that the Protestants are now secured in the full enjoyment of their rights. It is most gratifying to observe these indications of the progress which Social Science is making in its most important branches. But we must now bring our view homeward; and first of all we are bound to acknowledge the kind terms in which the President of the sister institution has at its last meeting referred to the National Association. His Royal Highness presiding for the year, in a most able address, distinguished by its learning as well as by its sound sense, was pleased to express his good wishes towards us, and confidence in the success of our labours, and to intimate a desire (in which I am sure we all most heartily join) that our endeavours may be directed as much as possible to make our works answer to our designation, giving our various inquiries a scientific substance as well as form. And now, as there may be some doubt about the order in which to take the subjects selected for summary mention, let us, in deference to

our noble President, begin with the Public Health department, which he so ably superintended last year.

At that meeting it appointed a Committee to consider the important subject of the means of preventing adulteration of food; and the Council made an elaborate report, referring Mr. Scholefield's bill to the Committee, which approved the Bill, suggesting some material amendments. It was, however, unfortunately, dropt in the Commons; but the Committee's report will be of great service to Mr. Scholefield in preparing the measure for reintroduction.

The same department took into its consideration the unsatisfactory footing upon which the responsibility of government as well as that of the local authorities, for the sanitary state of the country, had been left by the Public Health Act of the Session 1857, and especially by the want of system which inevitably resulted from the Act being only temporary. The Council entirely agreed in this view, and presented an elaborate petition to both Houses, through Lord Shaftesbury and Lord J. Russell, setting forth in detail the evils complained of, and strongly urging the making the Act permanent, with some few alterations. This application to Parliament was attended with success, and the Act of 1857 is now perpetual.

Great progress has been made in the investigation which was instituted of the effects of the Quarantine Laws, and their proposed abrogation. A sub-Committee of the department was charged with this subject, and queries in great detail were circulated among our governors and consuls; the answers to which furnish important information, as will be found in the report about to be presented. In prosecuting this inquiry we have been greatly indebted to the Foreign and Colonial Secretaries both of the present and the former Government, as well as to the valuable papers read at our last meeting. But the most remarkable papers in this department at that meeting were unquestionably those of Florence Nightingale, in which she communicated in a most striking manner the results of her experience upon the construction and economy of hospitals. The Council, deeply impressed with the importance of these papers, had them printed in a separate form, and sent copies to all the hospitals in the United Kingdom, and to many medical officers. There is every reason to believe that the best effects have followed from this proceeding; and that this great benefactor to her suffering fellow-creatures will not much longer have to lament, with a feeling of shame, our free country being left behind those under despotic governments in this material branch of sanitary policy. Let us pause for a moment to declare that the choicest notes warbled by the '*solemn bird*' of night never sounded more sweet to vulgar ears than now sounds to the philanthropist's the name consecrated to undying

fame by the wise beneficence and generous self-sacrifice of her who bears it—a fame far less precious in her estimation than the delightful reflexion on pain assuaged and sorrow averted.

When we consider how many thousands of the poor are unfortunately inhabitants of the workhouse, we at once perceive the importance of its better regulation both as regards its economy, its arrangements, and the labour of its inmates. But the tendency of the governors to exclude the public and to prevent a full examination of what goes on within the walls, has been found to prevent the improvements which humane and well-informed persons have repeatedly urged. Two most valuable papers from Miss Louisa Twining were read at our meetings in Birmingham and in Liverpool; and at the former an important discussion led to the appointment of a sub-Committee on the proposition suggested by her experience and full knowledge of the whole subject, namely, the formation of Workhouse Visiting Committees. This received the entire approval of the Poor-law Board. The consequence has been the institution of a system of regular visiting of workhouses, especially of their schools and sick-wards. It would be difficult to overrate the importance of this reform, or the merits of Miss Twining, whose time and care and great abilities have long been devoted to the subject. There can be no doubt that the plan thus happily begun will be carried further, with the benefit of the suggestions which have resulted from above a year's experience.

The various subjects connected with the amendment of the law require a more detailed consideration than the limits of this address permit, but they will be fully commented upon by the eminent person who presides over the department of jurisprudence. On one most important matter we may remember the able paper of Mr. Leoni Levi, and the discussions to which it gave rise the year before last on Judicial Statistics; and a very beneficial effect has been produced by that discussion. There has been, to a certain extent, a removal of the defect so often complained of, and for which I have so repeatedly pressed bills upon the Law Amendment Society and the House of Lords. The position is of manifest truth, that judicial legislation can never become an inductive science until a record is kept in minute detail of all causes tried, and the results of the trial, so that the effects of each change in the law may at once be seen. A considerable improvement, by an extension of the returns, has been made under the able superintendence of Messrs. Redgrave and Fonblanque; and the object of my resolutions, moved in 1856 and supported at our first meeting, has, to a certain extent, been attained. So that we may hope for such complete and regular information upon this subject as has

long been given in the French annual statement of the Ministers of Public Justice, and that the principles which guide our judicial legislation may better deserve the name of inductive science.

The bulk of the community, that is, the working classes, have much that concerns their comfort and conduces to their improvement in their own power. But not a little depends upon their employers. The progress of the middle classes in acquiring knowledge, naturally gives it a greater value in their estimation as regards themselves and those beneath them. Their attention, too, has, of late years, been turned generally to the great questions of Social Science, and the condition, in all respects, of those in their employ has occupied their thoughts far more than in former times. But in nothing have they more distinguished themselves, both for good sense and disinterested benevolence, than in the efforts made to restrict the hours of labour, giving, besides, a half-holiday and the entire benefit of the Sabbath rest. The grievous effects of overworking on the health, both of body and mind, have been strikingly shown upon the authority of medical men and other experienced persons. It has also been satisfactorily proved that the sacrifice which employers make is much overrated; that in many cases it amounts to nothing (the work being better done, or the shop better attended by those who are not exhausted); and in all cases the loss might, by judicious arrangements, be avoided. It is highly satisfactory to find that the early-closing movement, begun about twenty years ago, when it was confined to the drapery business, soon after became general; so that now there is, in all branches of trade, and also in the public departments, a very great improvement. But we had a description, at our first meeting, from Mr. Lilwall, in his able and painfully interesting paper, of the dreadful condition of those working in some trades still unreformed; and it is devoutly to be hoped that the same considerate kindness of employers may be extended to these. This is manifestly an evil to which, great as it is, the law cannot, except, perhaps, in very few instances and to a very limited extent, apply a remedy.* It becomes the more necessary to direct the attention of employers still further to the subject, and to call upon them to communicate with each other, and make such arrangements as the experience of any may suggest for completing, with as little sacrifice as possible, the good work already, much to their credit, begun. Of a truth, what they have done is highly to be praised, and their conduct is worthy of all acceptation; nor

* The overworking of dressmakers, night and day, and of bakers, has been mentioned by some as calling for and justifying legislative interposition.

could we easily point to any work of philanthropy in our day better entitled to public gratitude. It has indeed merits of a peculiar kind; for while other plans operate indirectly and gradually, the benefits of this are direct and immediate. The health, the instruction, the morals of the community are directly improved by the action applied, and improved at once. The class, too, thus benefited, is the most important of the children of toil, those in whose work the mind is most employed. But it comprises also our artisans; those whose talents and industry make England the great capital of manufactures; whose exquisite skill and admirable dexterity bears the fame of our arts into every sea that a ship can plough, teaching envy to the proudest of our rivals, and veneration to every tribe, however remote, as soon as its existence becomes known.

Of the working classes at large, if not the besetting sins, certainly the most pernicious failings, are improvidence and intemperance; and as there can be no greater evils than what proceed from these sources, it is fortunate that a remedy can be applied certainly to mitigate, possibly even to effect an absolute cure. The two failings are no doubt closely connected; but it is fit that they be considered apart, as in some material respects they are not co-extensive, improvidence having the wider scope and more general operation.

It is well said by Mr. Erskine Clarke, in his very useful paper, at the Congress of 1857, that 'the great problem of Social Economy is how to help the working people to keep themselves with their own money' (in other words, to teach them provident habits); and the plan which he strongly presses, and which Mr. Akroyd, in an able and important paper, last year, more fully illustrated, is the establishment of Penny Savings' Banks. The great step made fifty years ago, and which we owe to a most wise and pious pastor of the Scotch church, my reverend friend Dr. H. Duncan, was the institution of Savings Banks, which received all deposits of a shilling and upwards. These very soon extended almost over the whole island. By the last returns there have been deposited above 32,000,000*l.* by 1,340,000 contributors. But in this, as in all other institutions for promoting popular improvement, it has been found that they do not, at first, reach the class for whose benefit they are chiefly designed, but a class somewhat above them; and the proportion of very small deposits clearly showed the tendency of the humbler classes to avail themselves of the banks as far as their rules allow, for 85 per cent. of the amount which has just now been mentioned was for sums of an average not exceeding 12*l.* It thus becomes manifest that sums below 1*s.* ought to be received; and Dr. Chalmers proposed the

Penny Bank, which completely succeeded. Without the knowledge of his suggestion and its success, the same thing was tried and succeeded perfectly at Birmingham, Halifax, Derby, Hull, and many other places. In Birmingham, in 1856, 84,000 accounts were opened for sums of one penny and upwards, 11,500*l.* being paid in, of which 10,700*l.* were drawn out, clearly showing that the banks are used, as they were intended, for a temporary deposit, and for keeping the money till wanted; but without the banks the pence would be squandered in providing some indulgence, probably drink. The great object is teaching the working man to begin saving; once beginning, he will add to the little hoard; and when it reaches a certain amount, he will keep it, unless driven by bad times, by disease, or other accident, to encroach upon it. But we may safely affirm that a most salutary change is made in a man's habit, perhaps in his character, by his beginning to save for whatever purpose, and that providence in this one and very material particular, will become the habit generally of his mind. It is to be hoped that our attention shall be called, during this meeting, to the proposal of Mr. Sikes, for applying money-order offices in the Post Office department to the purposes of Savings Banks, or possibly, in some cases, as a substitute for them.

Of intemperance the baneful effects need not be dwelt upon in detail. It is the smallest part of the evil, that at the very least ten times as much money is spent upon drink as upon publications of all kinds, newspapers included. The learned and enlightened Recorder of Birmingham makes this abundantly evident in his valuable charges to the Grand Jury. But the far worse effects of this propensity in producing disease both of body and mind, and in filling our gaols with criminals and our workhouses with paupers, are so dreadful as loudly to call for the application of repressive measures. The connexion of intoxication and of drunken habits with crime is demonstrated in the clearest manner. 'Every one acquainted with criminal Courts,' says Mr. Hill, 'must admit the truth of what our Judges state day by day and year after year, that by far the greater number of all offences committed have their origin in the love of drink.' The Chaplain of Preston House of Correction, Mr. Clay—a name never to be pronounced without the greatest respect for his truly virtuous and useful life—shows that, in Lancashire, the proportion of offences traced distinctly to this cause was about 40 per cent. in years of full employment and good wages, having been only 17 per cent. in the years of distress; and this difference manifestly arose from the facility of indulging dissipated propensities in the prosperous times. In the United States we find a Judge of Maine, the strenuous adversary of absolute prohibition, yet urging the necessity of

restrictions upon the sale of liquors. He declares that nine-tenths of all crimes attended with violence arise from intoxication. In another State, Rhode Island, sixty per cent. of all offences appear to be caused by drunkenness, and twenty per cent. of insane persons is the proportion of those whose malady had this origin. That repressive measures are already called for in this country it is difficult to deny; but if there are objections to these, chiefly from the public mind not being prepared for them, at least we can cease to encourage intemperance by treating it as venial, and by suffering pernicious customs to be continued apparently for its protection. Not only do those greatly err, but they are positively criminal, who treat the subject lightly; and yet more to be condemned are those who regard intemperance as an extenuation of guilt, of which it is rather an aggravation. How much more criminal are persons in authority who sometimes so consider it in meting out the inflictions of the police, or even of the penal law! But those are not to be forgiven who indulge in light talk upon that which is the fruitful parent of the worst offences, even of murder itself. What shall we say then of customs being maintained directly promoting intemperance, and which have neither antiquity to plead in their defence, nor any necessity whatever to require their continuance, nor even the fact of their universality to allege in their favour? The existence of Statute Fairs is a disgrace to the police of this country. In some of the most extensive and populous counties they are unknown, and not the slightest inconvenience is experienced from the want of them. Wherever they are held, all the best authorities among the magistrates and police officers are agreed in representing them as a great cause of drunkenness, and every species of immoral indulgence. This important subject was fully treated by Mr. Nash Stephenson at our last meeting, and the progress was described of a remedy by way of a substitute in the registry of farm servants, which many persons have of late desired to see extended to all servants; and a society has been formed in London with this view.

As it is clearly not enough that we should cease to encourage intemperance, and as positive repression is attended with great difficulty, there is every reason to rejoice in the exertions which have been made by individuals to apply a remedy, or at least a palliative, by such proceedings as may be taken without legislative aid. The formation of Temperance Associations has been highly beneficial; and these have spread over many parts of the country. Not only have these bodies published works admirably conducted, and several newspapers, beside circulating cheap tracts to a vast amount, the *Temperance League* 300,000 a-week;

but they encourage their members to take the pledge, which though often broken is kept by many. The services of the Grand Alliance, and of its able and learned secretary, Mr. S. Pope, are truly above all praise.

A very important step was made in this direction at the last meeting of the National Association. Mr. C. Melly (to whose brother George's zealous and indefatigable exertions at Liverpool our gratitude is most justly due) read a paper describing the fountains which he had erected in that town, with the happiest effect in lessening the prevailing drunkenness. The Council allowed a separate edition of the tract with the print of a fountain as a model to be published; and it was extensively distributed during the Congress. The effect has been to spread the establishment of fountains over the whole country, so that there is hardly a great town without one or more. It cannot be doubted that the gratuitous supply of good water, at convenient places, has a tendency to lessen intemperance by diminishing the temptation, and preventing the resort to public-houses; and it is certain that the benefit thus derived has been entirely owing to the services of this Association.

It may, however, well be contended that these measures being only in the nature of palliatives, the enormous mischief must be attacked by more effectual operations; and it is painful to admit that we must reckon Education itself as among palliatives only. Its tendency to lessen criminal propensities by affording other occupations, as well as by strengthening right principles to divert from criminal courses, is unquestionable. But there cannot be a greater fallacy than to set its effects in repressing crimes against that of intemperance in producing them, and it is a dangerous fallacy; for men rely upon the improvement in character and its effect in controlling the passions, as sufficient to counteract the direct tendency of intemperance; and they answer the call for repressive measures by bidding us trust to education.

The humanizing influence of instruction in preventing offences attended with violence is proverbial, and is admitted. We have a striking illustration in the proportion of crimes committed with violence proceeding from drunkenness. The influence of education is indirect, and of gradual operation. The action of intemperance is direct and immediate. We may so far trust to the improvement produced by the former as to expect from it a diminution in the number of offences, but the latter adds to their number and increases their malignity, as certainly and far more powerfully.

To rely upon popular improvement alone, and take no measures for removing the great cause of crimes, would be to

lull ourselves into as perilous a security as theirs who should trust to the effects of diet and regimen when the plague was raging; or in that confidence, before it broke out, should take no precaution against its introduction. So, training the people to arms is a wise policy in any country; and our insular position does not exempt us from this duty. But he would be an unsafe counsellor who should bid us rely on the martial habits of the people, and not repel invasion by our fleets, or meet it with regular disciplined troops. Intemperance is the common enemy, it attacks even persons of cultivated minds; spreads havoc widely among the multitudes of our inferior orders; and fills our workhouses and our gaols. To lessen its force and contract its sphere, no means must be spared, if we really mean to stay the progress of destitution and of crime. The philanthropist has no more sacred duty than to mitigate, if he cannot remove, this enormous evil. The lawgiver is imperatively bound to lend his aid, when it appears manifest that no palliatives can avail. Certainly we have the example of the United States to prove that repression is practicable, and their experience to guide us toward it. That no legislative interference can be contemplated until the public mind is prepared, we must admit. Such was the course in America, and our palliative measures tend to afford the required preparation. The evil of drunkenness had reached such a height, that in the State of Maine 35 years ago, associations to promote temperance were formed; they spread through the country; they influenced by degrees the whole community, they induced the magistrates to refuse licences, and finally they obtained a law of rigorous prohibition. Six other States, having a population of seven and a half millions, have made considerable progress towards the same end, more or less rigorously discouraging the sale of intoxicating liquors; and the greatest benefits have resulted to these portions of the Union. But the most important fact is the attempt to repeal the law in Maine, and its signal failure. Like all subjects in a country which from the nature of the government, and the changes in the holders of all offices, is under the influence of perpetual canvass, this of temperance became a party question; and governors were chosen and removed upon it. Four years ago, its supporters were defeated, and a stringent licensing system was substituted in its place. For two years and upwards this plan was tried, with every disposition of the authorities to favour its success. Pauperism and crime, which under the prohibitory law had been reduced to an incredibly small amount, soon renewed their devastations; the public voice was raised loudly and with rare concert against the licence plan; a resolution was passed at the State Convention that the liquor law

should no more be treated as a party question, and the repealing act was without opposition itself repealed. Another effort was made to restore the repeal; but the resolution of the State Convention was referred to, which stood unrescinded; and all attempts to get rid of the liquor law were abandoned henceforth as hopeless. The happy result has been a continuance of the same diminution both of pauperism and of crimes, which had followed upon the original enactment of the law.

Upon this very remarkable passage in the history of Social Science it may be observed that at least it affords proof of the experiment having been made, and successfully made, of dealing rigorously with the evil; and if the same preparation of the public mind, which led to that experiment being tried and secured its success, takes place in other countries, the example may there be followed, safely and successfully, and some measure of repression adopted. Then the philanthropist would no longer complain with the Recorder of Birmingham, that into whatever path of benevolence he may strike, the drink-demon starts up before him and blocks his way: or comparing what is cheerfully squandered upon the fuel of intemperance, with what is grudgingly bestowed upon the means of mental improvement, lament to find tenfold the price of food to the mind paid for poison to the body; but would delight to hear our poor reclaimed from the worst excesses, freed from the yoke of the cruel though perfidious tyrant, declare as they did in America to the missionary, that the law must have come from Heaven, for it was too good to be the work of man.*

In opening this National Association at Birmingham two years ago, I adverted to the intimate connexion of the Sciences, natural, moral, and political, each with the other; but the reference was not sufficiently detailed to that topic equally fruitful and important, of inexhaustible fertility, of paramount importance. There is no greater encouragement than is thus afforded to the cultivation of every branch of knowledge, the great teachers of mankind, the improvers of science and of art, by their discoveries in the one, their inventions in the other; for they are thus taught to hope that benefits may result from their labours far superior to any which they had designed and expected to produce. Let me add, that the same contemplations may afford the greatest encouragement to our labours in this Asso-

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* Hill's *Repression of Crime*, pp. 325, 388, 430. There has not, of late years, been so important an addition made to our Practical Jurisprudence and our Social Science as this work. Mr. Hill relies for his statement of the comparative expenditure upon drink and literature upon the high authority of Charles Knight, a distinguished benefactor to popular literature and Social Science.

ciation. It is fit that the illustration by examples formerly omitted, should now be supplied. But the instances are so numerous and so varied, that one hardly knows where to begin, and must feel a difficulty where to end. A few only need be selected, and such may be taken as show results that might be the least expected from the particular steps made.

When Galvani observed the contortions of muscle in a dead frog, or even when Volta gave an explanation of them, how little could it be foreseen that the discovery would lead not only to the decomposition of bodies which had resisted all attempts to ascertain their constituent parts, and bring us acquainted with substances wholly unlike any before known, as metals that floated in water, and took fire on exposure to the air—but after having thus changed the face of chemical science, should also impress a new character upon the moral, judicial, and political world! Yet this has undeniably been the result of the discovery made by Volta of an influence passing under Galvani's name, by an error similar to that which gives the name of Amerigo Vespucci, instead of Columbus, to the New World. The power of the Magnetic Telegraph extends to the comfort of families, the cure of diseases, the transactions of business, the administration of justice, the operations of government in all its branches, civil and military, domestic and foreign; establishing an almost instantaneous communication between the remotest regions.

But Physical Science has given us the means of personal intercourse, as well as correspondence, with remote places. How little could Watt when employed as a common mechanic to repair a model engine, foresee that from the happy inventions which arose out of his deep reflection upon the agencies submitted to his studies, there would follow such a change in our relations with the natural world, as now sets winds, and tides, and currents at defiance, and excludes in a great degree the consideration of space and time from our calculations; and a yet greater revolution in our social system. Little did he think that the work he was thus beginning, would before another generation passed away, not merely change the whole course of commercial dealings, the communication of all countries one with another, and of all men among themselves in each, but affect the whole policy of nations, their relations in peace and their operations in war.

When he introduced into this country the happy invention of Berthollet for bleaching by chlorates, little did either of these great men (satisfied as they were with that important step) foresee that by the combination of the same poison with another, such a victory over pain would be gained, as should

not only afford relief in almost all cases, but change the whol course of surgical operations; and now let it be added that th process has lately been applied to save those insects, whos marvellous architecture affords the most striking of all th proofs of Divine action according to the Newtonian doctrine o instinct. I can vouch for the entire success of the experiment having lately performed the operation.*

The security of ships and buildings by Sir W. Snow Harris' lightning-rods has saved many lives and much property; stil more beneficial, because the risks from shipwreck are far greate than those from lightning, has been Sir D. Brewster's happ application of the science of which he is so great a master, to th construction of the Dioptric Lighthouse.† But let us observ how vast an improvement of social life and how valuable an addi tion to our power of executing the law has been another optica discovery, by which we have made the sun our fellow-workman It would have been deemed a romance had any one foretol from observing the effect of light in discolouring certain sub stances, such a consummation as obtaining the most accurat portraits in a second, portraits, the minute accuracy of which hours and days of the painter's labour could not approach; an the consequent power not only of preserving the features o those most revered and beloved, but of preventing the escap of criminals, the commission of numberless frauds, and th defeat of the injured in seeking the recovery of their rights Nor let us forget the less important benefit of improving both our manufactures and the public taste by multiplying perfect copies of all the great pictures in the world; so that for a few pence may be obtained the exact duplicates of Raphael's Cartoons, and every other renowned masterpiece—an application of the art which we owe to the liberal and discerning patronage of the Prince Consort. My illustrious friend and colleague of the Institute, Arago, was so impressed with the vast importance of Photography in all its relations, that the last years of his life were chiefly occupied with whatever belonged to this subject.

But the progress of Geology, the discoveries respecting the strata whereof our globe is composed, and the history of their formation, has led to a yet more unexpected and far more sub-

* Mr Layard, of Dundee, furnished the instructions, having himself made the experiment upon several beehives.

† Some absurd attempts have been made to represent Mr. Fresnel as having anticipated Sir D. Brewster. He probably was ignorant of what Sir D. Brewster had done long before, and therefore his originality as the second inventor may be admitted on that supposition. But Sir D. Brewster published in 1812, Mr. Fresnel in 1822. As early as 1816, Sir D. Brewster pressed upon the lighthouse engineer, in Scotland, the use of his method.

lime result than any we have been surveying—a result which is the source of the most delightful contemplation. A period of time in the revolution of ages has been ascertained before our species existed, and a succession of races discovered, inhabitants of our earth and of the ocean, all specifically different from any that we now know to exist. The act of creation is thus demonstrated from phenomena independent of tradition, to have been performed by the Almighty and All-wise Creator; the formation of Man after His own image and at a period later than that at which He formed other and less perfect creatures. While the great discoveries of La Grange and La Place, deduced from those of Newton, exhibit the law by which the system of the Universe is maintained eternal in its present state, all deviations being necessarily confined within fixed limits, the wonderful researches of Cuvier upon the structure of our planet have shown the origin of its inhabitants; proved that at a remote period, though not far removed from the era of history, one species did not exist, and thus given conclusive evidence of the awful Being's power—'Whose temple is all space, whose altar, earth, sea, skies,' and of His relation to ourselves; proving as clearly that we are His creatures, as if one had risen from the dead.

But from these more remote contemplations, we must turn to nearer objects, and objects not coming within the scope of the caution which warns us against the optical delusion that makes near things appear great; for the object now to be regarded both touches us nearly, and is of vast dimensions, no less than our free Constitution in its administration, the rights and privileges which we enjoy under it, our whole social system as connected with it, and depending upon it, and the perils to which it is exposed.

There can be no greater or happier exchange than that nation has made, which, replacing a despotic by a Constitutional government, no longer lies at the mercy of an arbitrary ruler, is protected by fixed laws, and exercises a control over the management of its own affairs. The condition of a people subject to unlimited power, resembles that of an enslaved individual in this, that all freedom of action is extinguished in the community as in the slave; like him, it is actuated by motives exterior to itself; has no will of its own; is not merely sacrificed to the interests, but to the caprices of a master, and can express no opinion nor give vent to any feeling, or even utter a complaint without his leave. This thraldom is not more detrimental to the well-being of the people, than degrading to their character; and the debasement of the subject extends to the tyrant, whom uncontrolled dominion renders more wanton and

more intolerable, affording, however, this poor consolation to the sufferers, that he is haunted himself by terrors greater than he inspires. The unspeakable blessing of being delivered from a lot so grievous, forbids to scrutinize too narrowly the means by which the rescue has been effected, or to inquire too severely into the manner in which the unwonted gift of freedom has been enjoyed. The most stern and scrupulous censor would perhaps only condemn such escapes as might lead to the tyranny being restored. But thrice happy those nations which have never known such alternations of enslavement and emancipation, of subjection and licence; whose Constitution, like ours, was never despotic, but grew up from a less regular system of freedom to a more and more exactly defined scheme of government, till it attained the form of monarchy limited by law, and precluded all oppression whether of one, or of many, by the union of the several branches of which it is composed, and the different interests which are represented. And if it be certain that under such a system alone can tyranny of every kind be prevented, its gradual growth, if not its great virtue, is certainly the cause of its excellence. Laws are made; constitutions grow, at least if they are of any value; they have roots; they bear, they ripen, they endure. Those that are fashioned, resemble painted sticks planted in the ground, as I have seen in other countries what were called '*Trees of Liberty*;' they strike no root, bear no fruit, swiftly decay, and ere long perish. 'Nature,' indeed, as Bolingbroke says, beautifully translating a beautiful passage of Lord Bacon, 'throws out altogether, and at once, the whole system of every tree, and the rudiments of all its parts, but she leaves the growth to time'—cherished by the breeze, strengthened by the sun, expanded by the shower.* Such is the course of nature. But man must work by another and a tentative process. Having to deal with human beings, he possesses no gift of foresight; he must consult the past, and take experience for his guide, adding what has been found wanting, changing what has proved hurtful, removing what has been felt cumbrous. By this safe and gradual operation our system has been formed in the course of ages; its progress occasionally slow, sometimes even for a season suspended; rarely sustaining any violent check; and so little broken by forcible concussion, that all the permanent improvements have been effected peacefully, and only short-lived changes been the work of force.

The distinguishing characteristic of our Constitution is not confined to the manner and process of its formation. The

* Mulcent auræ, format sol, educat imber.

felicity has, indeed, been inestimable of our having obtained its blessings without paying the price in public calamities and crimes. But the acquisition we have made is greatly increased in value by the manner of making it. The structure is much better than if it had been formed in any other way. Even in providing a habitation as well as in framing a constitution, comfort and convenience may be better secured by altering and improving a house already built and inhabited, than by raising one on an entirely new plan. The prudent thus find the risk little, the benefit great; while others erect fine mansions which they don't care to use; and give rise to the proverb that fools build houses for wise men to live in. So we feel the utmost confidence in all the principal parts of our system, because they are the result of actual experience, and of mutual concessions where a conflict of opposing parties has arisen.

Thus there has been framed, and thus we possess the British constitution—a combination of different interests and powers at once providing against the encroachment of any one and against error in the action of the whole; uniting in itself the characteristic qualities of all other governments, regal, patrician, republican; and endowed with their respective virtues; borrowing vigour from monarchy, stability from aristocracy, popular freedom from democracy. The people possess by their representatives a voice in the management of their own affairs, a real control over the conduct of their rulers, and a sensible weight in the selection of the public servants. The owners of property, the possessors of rank, and the representatives of all kinds of personal eminence, have a power and authority sufficient to check the excesses of popular violence. The Sovereign can influence the conduct of affairs as far as is compatible with the deliberate will of the other branches of the government. Above all, the unspeakable blessing of a pure and impartial administration of justice is secured by the absolute independence of the judges, and their exclusion from all share in party or even in any political proceedings. The structure of the Constitution has been likened to a pyramid, of which the broad base supporting the whole is formed of the people; the middle portion is the aristocracy of rank, property, talents, and acquirements; and on the narrow summit rests the crown. The judicial power, pure and unsullied, calmly exercised by men independent of all the other orders and removed from all faction, partaking neither of its fury nor its delusions, forms a mighty zone which girds the pyramid round about, connecting the loftier and narrower with the humbler and broader layers, binding the whole compactly together, and repressing the encroachments and smoothing the ruggedness of any of its parts. But the

essential part of the aristocratical element must never be forgotten or overlooked. Nothing else can protect liberty from an arbitrary sovereign, or from the more insupportable tyranny of the multitude—more insupportable because pervading the whole community, while the single despot affects only certain classes. So deeply impressed with this truth are some sound friends of liberty, advocates of popular government, that they deem a landed aristocracy the indispensable condition of free constitutions. But whether one kind of aristocracy alone can prevent the usurpation both of an individual and of the multitude, our mixed monarchy is safe on either supposition. To admit that this great political structure has imperfections, or that into its administration abuses have found their way, is only to confess that it is the work of man, and by men administered; nor can any rational admiration which it calls forth be for a moment allowed to preclude further improvements, or be urged as a reason against considering fully any proposal conceived in a wise and reflecting spirit, and tending to amendment, not to subversion. But we are to regard in the first place the inestimable advantages which it at present secures to us, even if no further improvement be effected; and if none of the existing administrative abuses be removed. Thus let it be granted that the representation is defective, and that classes are excluded whose admission is required both by considerations of justice and by the public interests. Still see what a prodigious benefit the existing state of things confers upon the people in their rights and their interests of every description! The business of the State is conducted in public; in public every matter is discussed by the two Houses; and there is hardly any restraint by law, certainly none whatever in practice, upon the complete discussion both at popular meetings and through the press. Then beside the security of life, liberty, property, and reputation under the law, there is this further protection from oppression or abuse of any kind to even the humblest person in the community, that without his having recourse to the law he can make his grievance known to parliament and to the public—a protection which almost always prevents any just cause of complaint. Contrast the security from injury thus enjoyed by our fellow-citizens, with the exposure to oppression and injury of various kinds of which the inhabitants of other countries complain—countries where there is no parliament, no public meetings, no press, or what is worse than none, a fettered, partial, corrupt press—and you will readily believe that the people of those countries would be glad to exchange their fine climate, fertile territory, and slight taxation, if they might, with our darker sky, reluctant soil, and heavy

burthens, have a Parliament and a public, which should make the sacrifice of their lives and fortunes to the caprice of a ruler and the malversation and oppression of his servants an impossibility.

I have singled out the most remarkable practical advantage of our situation; but I am fully aware of that which was specified by the illustrious Captain and Statesman whose loss we deplore each succeeding day, and to what quarter soever we turn our eyes, whether to peace or war, to foreign or domestic affairs. That great man was wont to dwell upon this as a peculiar felicity of Englishmen, that with all the distinctions of rank, the exclusive privileges of some classes, the unequal distribution of political power, there is no man so humbly born nor in so unfortunate a condition, who may not rise by the exertion of his industry and his talents to the highest station under the Crown.

This then is that mighty system of government which bestows such unspeakable blessings upon our country, and has truly been called the envy of the world. It is melancholy to contemplate the perils which surround it, and which have of late years been greatly upon the increase—perils mainly arising from the conduct of those for whose highest interests it provides, and the conduct even of those who share in the exercise of its functions. Its open enemies abroad, its doubtful friends and concealed adversaries among ourselves, regard this danger with more or less of satisfaction; they all consider constitutional government, the scheme of representation, as upon its trial. The ignorance, the fickleness, the intemperance in all its forms, of the electoral body, is dwelt upon with great exaggeration, and they rely still more upon the corruption, probably exaggerated also, of candidates as well as voters. Now, it is a great, though a very common error, when exaggeration is found in any charge, to suppose, therefore, that there is no foundation for the charge. The parties accused never fail to seize upon this ground of defence, and too often with success. But sober reflection must be applied to sift the matter; and when the subject is of great importance, it is absolutely necessary to ascertain what portion of the charge is groundless, how much remains probable, and how much is proved. After making all deductions, it is quite manifest that there prevails in very many town constituencies, an inveterate practice of bribery, whether direct or by shifts. In some boroughs money is given directly for votes. In others, under pretence of purchasing some commodity ten times its value is given, the seller being a voter, the buyer the candidate's agent. In not a few cases, voters are hired under pretence of carrying messages, or doing other trifling

work, an enormous number being so hired—in one instance, above 400 on each side, all of whom receive payment from the candidates or their agents. Now, to all moral intents, and to all legal also, these are mere acts of bribery, and the disguise attempted only adds to the moral offence, though the legal remains unaggravated. It is thus manifest that the franchise is regarded by a great body of persons not as a trust to be exercised for public purposes, but as a private property, to be used for individual gain. Those persons, no doubt, are aware that this use of it is unlawful; and hence they who so act, and they who seduce them, are conscious of an infraction of the law; and a habit of doing unlawful things is thus widely produced, to the great detriment of the public morals, and leading to a breach of other laws also. Nor is this all. Whoever takes a bribe is liable, on tendering his vote, to have the bribery oath administered. Such persons are aware of this; the bribed voter, therefore, who goes to the poll, knows that the oath may be offered, and in ninety-nine cases in a hundred he is prepared to take it, that is, to commit perjury. Even if it be not tendered, and the perjury is not committed, can he be acquitted of moral guilt? A footpad goes out to rob, armed with his pistol. If resisted, he is resolved to use it, or, at any rate, if recognised, he is prepared to destroy the evidence against him. He has upon his conscience the moral guilt of murder, even if he escapes being tempted to commit the crime. Can the voter who takes a bribe be deemed less guilty of intended perjury than the highwayman of intended murder? They who offer bribes ought to reflect how nearly they commit the crime of subornation of perjury. From such crimes all men would shrink, possibly even from the lesser crime of bribery unaccompanied with the dreadful aggravation of forswearing. But those are guilty of both the lesser and the aggravated offence, who employ an agent to bribe and supply him with the means of bribery. It is said that they only give the money to be expended in a lawful manner; that they have confidence in their agents; and that they even direct them on no account to practise corruption. But the existence of the practice in question is notorious, and they can have no reason to doubt the zeal and the activity and the unscrupulous nature of those they employ; the jobbing attorney, as well known for an electioneering agent, as others of his craft are known for money-lending agents; the publican who bargains that his house shall be used; whose accounts, the bill of the one and the score of the other, are paid without any scrutiny. These things cloak from the candidate's eyes the particular course pursued in spending his money; but that the corrupt deeds have been done, he must be taken to know as

well as he knows how much they have cost him, and the state of the poll which is the result. Let him not doubt then his own criminality, or flatter himself that he has not spread corruption among his fellow-creatures, sapped their morals, produced fraud and falsehood, aye, even perjury, merely because he has wilfully shut his eyes to the acts of those by whom he has done the deed. Men, especially when engaged in evil courses, are prone to discover differences; and self-love, the great source of all blindness, is itself quicksighted to descry nice distinctions, that may screen from the stern Judge whom Providence has appointed in the breast—distinctions which may leave the guilt doubtful by concealing it from our own eye. An Eastern tale, which most of us have read, illustrates this. A tyrant was minded to put two of his family to death; but even his relentless nature recoiled from witnessing the murder he had commanded, according to the accustomed solecism, as Lord Bacon calls it, of arbitrary power, desiring the end, but disliking the means. The same repugnance was shared by the officer entrusted with the commission of the crime, and thinking he could divide the guilt, by dividing the instrumentality, he employed one ignorant of the criminal purpose. This unsuspected and unsuspicious agent was taken to a cave where a rope that entered the ground was made fast to an iron ring, and he was told to sever it with a hatchet. On the blow being struck, the rope instantly disappeared with great force; and being carried to a chamber in the adjoining palace, he saw two persons who had been crushed to death by the descent of a marble canopy under which they had been fast asleep, and which had been held suspended by the rope. The tyrant, and even his officer, would have recoiled from the sight of the slaughter which they scrupled not to perpetrate, and of which they were as guilty as if they had with their own hand plunged a dagger into their victims, and been sprinkled with their blood. With the full approval of the illustrious friend whom I have already mentioned, I once referred to this apologue in illustration of their guilt who invested their capital in slave-trading adventures, and who would have shrunk back from the sight of the horrors in that infernal traffic; but who were really as much guilty of piracy and murder as the wretches actually engaged in it. These are greater crimes than the propagation of immorality and perjury throughout the community; but the relation of the principal and the agent is the same; and the former is equally guilty, though of a *somewhat* lesser offence; I say somewhat lesser—for I never shall forget the exclamation of an honest and experienced judge, the late Mr. Justice Williams, in conversation with Lord Denman and myself, that

he felt a horror at seeing perjury committed before his eye only to be surpassed by the sight of murder. On our e pressing a doubt whether he did not rate too high a degree guilt, unhappily too often incurred—'No,' said he, 'and th only increases my horror of it; but were it confined to a sing instance, what shall we say of his crime who deliberately cal upon the Almighty Judge of all the world to witness and punish his falsehood?' What would this honest and learne judge have felt on seeing scores of men who had already vote driven up by the zeal of an unscrupulous election agent, an again tendering their votes with the solemn oath that they ha not polled before; and all for the purpose of gaining time th expected voters might arrive before the close—the books of th poll-clerks making it certain that their second votes could n be received; or what would have been his feelings had he see the inhabitants of a town filled with his old Yorkshire client generally and habitually selling their votes for a price, and wit their minds made up, after having received it, to swear upo the Gospels of God that they had got neither reward, nor pr mise of reward, from any person whatever?

The effect of the prevailing corruption upon the upper class as well as upon the humbler, the candidate as well as the vote in spreading those principles and giving a lower moral ton generally, has been noted. The tricks resorted to and amon others the want of good faith, much more of high and delica feelings of honour, which have recently been disclosed, clear indicate the extreme anxiety to obtain that which is equivale to political power. There seems no bound to this desire, n labour which men will not undergo, no suffering they will n endure to grasp it. A great poet has described the honest ar by which men may strive to reach this summit,

> Of genius emulous, to soar on high;
> With noble souls in noble acts to vie:
> On worthy toils to see suns set and rise—
> The strife is arduous. But the world's the prize.*

But a vile, grovelling, unprincipled ambition, a thirst of powe at any price to be slaked, despicable as it is, proves equally un controlled in its victims;—

> Whom neither fear of God, that Devils binds,
> Nor laws of man that common weals contain,
> Nor bounds of Nature that wild beasts restrain,
> Can keep from outrage and from doing wrong
> Where they may hope a kingdom to obtain.—*Spenser.*

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* Certare ingenio, contendere nobilitate,
Noctes atque dies niti præstante labore,
Ad summas emergere opes rerumque potiri.—*Luc.*

And we preposterously think to restrain such an appetite for power by the mere risk of losing it,—the chance of the pursuit being fruitless! The loss of the seat is all the penalty that we denounce to deter the great malefactors. I speak here from some experience of the inefficacy of such penalties. While the African slave-trade was only punished by the forfeiture of the ship, it mocked the law because the profits of a successful voyage covered the loss of many failures. The wrong-doer was content to run the risk in the eager quest of great gain. So the candidate and his agents in their eager desire of a seat will run the risk of defeat, and encounter any cost in money. But when I made slave-trading felony, the pirate who had cheerfully run all pecuniary hazards, would not expose himself to be transported as a felon, and the execrable traffic ceased. So, if we make bribery a misdemeanor, it is clear that candidates and their agents whom no dread of defeat or expense can restrain, will shrink from the hazard of an infamous punishment, when they see the treadwheel as well as the House of Commons at the end of the path which leads from the hustings.

It may be objected that the severity of the infliction would prevent the execution of the law; and no doubt as long as the enforcement of it is left to a tribunal like the election committee, this result is to be apprehended. But how much longer are we to continue the only nation which leaves the execution of its penal laws to private individuals, inflicting upon the party injured by an offence the additional injury of prosecuting the offender? Instances continually occur of a criminal escaping because he is wealthy, and can pay the forfeiture of the party bound over to prosecute. An individual who had committed forgery some years ago escaped in this way. A charge of manslaughter was thus stopped on its way to the Grand Jury very recently, because the culprit at one of the public schools belonged to a distinguished family, whose feelings as well as the credit of the school would have suffered if the law took its course. An attempt to destroy a will, by which property of near a million in value had been devised away from the testator's heir (bribes to any amount being offered to obtain possession of the instrument) escaped altogether through the mistaken tenderness of a professional man. These instances are given of many more which came before Mr. Phillimore's committee. But no facts are required to prove what the least reflection shows to be the inevitable tendency of this great defect in our criminal procedure, subjecting the execution of the law to every kind of accident, and protecting, even encouraging, corrupt bargains in some cases, oppression in others. In no instance is the defect more grievous than in that which relates to electoral corruption.

For unhappily, the offence of bribery is treated too lightly, bo
by parties and the public. It seems to be taken for grant
that all men would bribe if they could; the only shame is bei
found out, and that sits very lightly. In a late newspaper di
cussion of the subject, the comparison between drunkenness a
bribery in this respect was very ingeniously and very sound
treated; and as crowds flock to see an actor play the drunk
man, so do they flock to an election committee to hear of
kitten sold for 50*l.*, and a 20*l.* bank-note found in the teap
of a voter's wife. But serious, truly serious, nay tragical, a
the consequences of the one fault, and of the other. They wl
laugh at the mimic exposure of intemperance would be shock
to witness the real midnight orgies of the gin palace, and wou
perhaps shed tears over the wretched house, forlorn wives, a
starving children of its frequenters. And they who have ma
themselves merry at the committee with the gibes of counsel,
the tales of witnesses, may shudder to reflect on the consequenc
of electoral corruption, itself a grave offence, and leading
dishonest courses that end in still greater delinquency. Neve
theless, the fact is undeniable that the prevailing insensibility
this, renders a provision absolutely necessary for securing t
prosecution of such corruption; if indeed we really and sincere
intend its extirpation.

That an improvement in the mode of dealing with electi
committees would have a salutary effect even without t
appointment of a public prosecutor may be admitted. The
cannot be the shadow of a reason why the House of Commo
should stand upon its privileges to exclude all interferenc
after the important but wholly insufficient remedy provided b
the Grenville Act for the old and utterly indefensible cours
and why they should not go a step further, and make the tr
bunal one really deserving the name of a court of justice, or,
other words, a tribunal constituted of members all appointe
without regard to party, sitting not occasionally but perm
nently, well informed in the law, acquainted with the rules
procedure, competent to examine and to weigh evidence, guide
by the decisions of other courts, and pronouncing its own
each case with the authority which may secure it being followe
in other cases. The illustrious statesman to whom I have mo
than once referred engaged me to work with him upon a pla
the main principle of which he suggested, when a Bill can
from the Commons for dealing with charges of general corru
tion in Boroughs, and it was applicable to all proceedings upo
private Bills. When moulded into shape, and after alteratio
and additions, it was of this nature:—A jury of twelve selecte

from both Houses, seven Commoners and five Lords, were to examine the evidence, sitting under the presidency of a judge, and to find a verdict which should be binding on all parties as to the facts, and also upon both Houses, who might enact on those facts as they pleased. The proposal elaborated in its details was fully adopted by the Committee to whom the Bill had been referred; and as thus amended, indeed totally changed, it was reported to the House and approved without a dissenting voice. The Commons had no answer to offer: they admitted the merit of the alterations we had made, and indeed highly approved of our plan. But as it had become a new Bill rather than the original Bill amended, they postponed the further proceeding to another session, and it has unfortunately never been resumed.

A few years after, when it became necessary to change the whole course of proceedings upon private Bills, I proposed a set of standing orders, which were referred to a select Committee. The Duke urged me to bring forward our plan of 1834, and on my expressing an apprehension that we should not carry it in consequence of the generality of the orders, they being applicable to all cases, and not confined to those of boroughs charged with corruption, as the Bill of 1834 had been, he said 'At least let us try it, there being no doubt of its superior efficacy; and if we are defeated, we can retreat upon your orders.' We made the attempt, and were defeated by a large majority in the Committee; but we carried the lesser plan through with some difficulty, and the House adopted it without a dissentient voice. It forms the standing orders now in force, and after much delay the Commons reluctantly adopted them with some amendments. Now, of course, a joint Committee of the two Houses would not be applicable to election petitions; but the most important part of our plan, the Committee sitting under the presidency of a judge, would be an immense improvement upon the present system, and a still greater would be the sending all the allegations of petitioners and their adversaries to a permanent court of judges, irremovable, who should report to the House, with their opinions, the report to be binding as to the facts only. The House would, in almost all cases, though not bound, yet voluntarily accede to the opinion expressed. The institution of a public prosecutor would be the consummation of this plan for the extirpation of all corruption—besides being a very valuable addition to our criminal procedure in general. But even without this important change, the establishment of a tribunal such as has been described, would have a powerful effect in checking the corruption so much and so justly complained of. It is equally manifest that if everything remains on its present

footing, and election contests can only be carried on at a cost ruinous to all but the most wealthy, if no means are afforded of securing condign punishment to the practisers of corruption and the only risk incurred is the loss of a seat, the existing evil must continue to eat into the vitals of our constitution, to render what is in mockery called free election, a mere farce, to make the House of Commons only by accident the choice of the people, to convert the election of its members into the means of subverting the independence and destroying the morals of their constituents; and to raise a grave doubt whether the country would not be injured by an extension of the franchise, if it did not beget a further doubt about the benefit of the franchise as already enjoyed.

It seems indeed but too probable that the prevalence of corruption will be used as a reason against granting elective rights with the attached duties, to those who are not at present allowed to possess them. The adversaries of this extension dwell much upon the ignorance of the great body of the people, and not merely their imperfect education, but their having no habits of reflection and deliberation. It is true they would be unfit to be entrusted with a voice upon measures upon policy, foreign or domestic. But upon the question who shall be deputed to represent them in Parliament, they might perhaps be trusted. There are, however, other things beside their ignorance to be taken into the account, and a grave doubt arises whether men deserve the franchise who value it so little that they will not deprive themselves of any indulgence in order to acquire it. If renting a 10*l.* house gives it, a man occupying a 6*l.* house might have it by saving 20*d.* a-week in beer. It is but too certain, that of those who are loudest in their call for the right of voting, a very great number would refuse to pay this very small price to obtain it. But the disposition to regard the vote as a thing which may be turned to profit, in a word, as conferring the power of being bribed, as enabling them to commit a crime for the lucre of gain, offers a still stronger reason against granting it. To imagine, as some reasoners do, that clothing these men with the franchise will raise them in their own estimation and in that of others, and impress them with a sense of their importance as executing a great public trust, is altogether somewhat too romantic a view for any practical man to take. But it is certain that if corruption be effectually put down, the greatest obstacle to their admission among the number of electors is removed. But while the law continues so lamentably defective both in its substance and upon procedure, there is some satisfaction in finding that the leading men at one or two places, from a sense of duty, or the fear of disfranchise-

ment, have been devising local measures for checking corrupt practices. Thus at Bridgewater and at Norwich, vigilance committees have been formed by members of the town council, and other persons of authority, for the purpose of keeping strict watch over their fellow-townsmen in the elections recently held. From these praiseworthy proceedings something may be hoped; but the evil is too deep rooted to be thus extirpated; and it can hardly be doubted that in the places where corruption most prevails, and where the practice of it is of long standing, less facilities will be found for adopting such a course.

Some good would assuredly be done by requiring a very stringent declaration from all members on taking their seat, as I and others, my friend Sir J. Pakington among them, have frequently suggested; a solemn declaration that they not only did not know, but had no reason whatever to suspect, that any corrupt practices had been used in their behalf at their election, and that they had furnished no money for such practices, and would pay no expense which had thus been incurred. If it were enacted that no voter should be employed for hire in any capacity, a declaration such as has been described could not be made by any man having the least regard for his reputation, if either he or his agents had been guilty, directly or indirectly, of bribery.

While some reasoners contend that the people are disqualified for the exercise of the franchise, in other words, for the possession of political power, by want of information, and some would withhold it because of their evil habits, there has been at all times, but never so much as of late years, a disposition in a large and important body to assume power by acts, sometimes of doubtful legality, and always leading, by their almost unavoidable consequences, to a breach of the law. I allude to combinations for raising wages, accompanied with a resolution not to work either for more than a certain time, or for less than a certain remuneration. If the proceeding is connected with any plan of preventing others from working, either by actual violence or by threats, it is manifestly an offence, and severely punishable. But without any violence or menaces, the raising a fund to keep one class idle, by supporting them when they refuse work, except on the terms prescribed by the body, terms to which their employers cannot, or will not yield, and the waylaying another class coming from the country, offering to pay their journey back if they join in the refusal, approaches very near an unlawful conspiracy; or, if it be not absolutely illegal, is in the highest degree oppressive to the employers, because it deprives them of the ordinary advantages of competition, placing the whole relations of labour in a false

and unnatural position. That which regulates prices, whether of commodities or of labour, is the higgling of the market; and there is a kind of individual instinct, by which dealers in labour as well as dealers in other things, adjust their demands. A combined action of 100 or 1000 substitutes for this individual instinct a fixed rule, conceived without the least regard to the rate of supply and demand, to the circumstances of the party offering and the party accepting or refusing, and enforces that rule in an arbitrary manner and by no natural appliances. The fallacy is enormous by which the labourers, complaining of machinery as throwing hands out of work, hold that they ought to share directly with the employer in the gains which the machinery enables him to make. They do share in those gains, but not directly. The capital saved must always be employed in paying for labour; and the machinery that saves labour in one line to the capitalist, enables him to employ more labour in other lines, the great probability being that he will employ it in the line to which he and his workmen are accustomed.

The combination of masters is the inevitable consequence of the combinations of men; and as they have capital to draw upon, which is a far more certain and secure resource of supply than the contributions of the men, such a conflict must always end in a great loss to both parties, but dreadful to the poor men, whose families suffer severely in the meantime, and who after they have been defeated, are sure to find a great diminution of employment from the injury inflicted upon the masters. It is needless to observe, that the immediate tendency of such combinations is the very reverse of the influence of the establishment of guilds in the Middle Ages, which were the parent of skill in all the arts. The inevitable effect of strikes is to level all merit, to benefit the lazy and incapable at the expense of the industrious and skilful, and to rob all concerned in them for the profit of a few agitators and mobseekers. But though the employers have an unquestionable right to combine in self-defence against the tyranny of their combined workmen, and though they are secure of success in the end, it is only to be gained by patience, at some sacrifice, and by just and prudent action. It is sure to be lost by any imitation of the unjust and violent course pursued by the men; and it is most especially in a season of indiscreet and unscrupulous combination among the latter that the masters ought, more than ever, to beware of encroaching upon their just rights, and rather to give them more freedom than to curb them in any manner of way.

It must be observed, that all the errors into which one of the parties fall, and which are the cause of their unreasonable and

unreasoning proceedings, and which furnish the enemies of an extended franchise with their most powerful argument, come from ignorance. If care were taken to teach them the plain, easily learnt and easily understood principles, which, of all men, they have the greatest interest in understanding, the relation between prices, including that of labour and supply and demand —between capital and wages—between machinery and profits, as well of masters as of workmen—between rights and duties—between the enforcement of the law and the interest of all—if these principles were ever present to their minds, the course of conduct which they oftentimes pursue, to their own great detriment quite as much as to the injury of others, would be next to impossible. But other branches of political knowledge, highly important for them to possess, should be added; nor is it doubtful that these can be taught just as easily as reading, writing, or ciphering, with the little of geography and history now given. An able and very useful paper was read at our last year's meeting, by Mr. Templar, showing that those branches of knowledge were successfully taught in the Manchester Model School, of which he is head-master; and Dr. Hodgson urged the same improvement in an excellent paper. The necessity of taking this course, if we mean that education should be more than a name, has long been strenuously inculcated by Mr. W. Ellis, whom it is impossible to name without expressing a doubt whether the soundness of his views, or his noble generosity in promoting the great work of popular education, is most to be admired. It is with the most heartfelt satisfaction that I announce the wise determination of the Education Committee of the Privy Council, who have called upon this excellent person to deliver a course of lectures on Political Economy to the working classes, and the first lecture is to be given this very day.

Some most important branches of industry are, from their circumstances, exempt from the possibility of the mischiefs which, with the means of prevention, we have been for a moment contemplating. Factory labour, from the relations between masters and men, can scarcely ever give rise to combinations on the one part or on the other. But there is a most serious evil to which it is exposed; and the moral influence upon a great portion of those employed can never be too closely watched, or, where necessary, too carefully counteracted. The effects of promiscuous association, without due superintendence, are most unhappy upon the young of both sexes, but more especially upon females. The constant wages, too, tempt married females to eke out their incomes by this kind of work, and leave their children unattended to; these children, at a very early

age, themselves drawn into the same employ. The Legislature has interfered, not more than enough, in restricting the hours of work where the young are concerned, much more than was expedient or than was justifiable in certain cases of adult work-women. But the worst part by far of the evil remains beyond the reach of legislation; and a remedy for it has not been attempted, except in a few individual instances. The good feeling and good sense of master manufacturers can alone interpose to rescue the numerous and important class, especially of the female hands, from the contamination to which they are exposed, and which is spreading the worst kinds of dissoluteness over the working classes; nor will all the care of the masters suffice, unless they are assisted by the generous and truly rational co-operation of women in the middle and upper classes of society, moved by pious zeal, and acting upon a well-considered plan, for the good of their fellow-creatures, in by far the most important of human concerns. The Sisters of Charity, in France, bear comfort into the hospitals; they render invaluable help to the physician in disarming disease of its pains, and lend not superfluous aid to the pastor in disarming death of its terrors. They have earned the united blessings of a people that hardly ever agree in respect for any existing institutions—they have made their name revered by all.

A worse disease than ever filled the wards of hospitals, a moral plague, desolates the haunts of our most gainful industry. Let the spectacle, or report of it, call into existence a sisterhood that may meet the enormous evil, to prevent which is far better and far easier than to cure!

Address

BY

VICE-CHANCELLOR SIR W. P. WOOD,

ON JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

FEELING, as I do deeply, the honour of being permitted to take any part in the proceedings of the Association for the Promotion of Social Science—feeling still more deeply the privilege of being associated in that great enterprise with the noble Lord (Brougham) who has just addressed you, and who is distinguished not only as the father of this particular Association, but of every great work for the advancement of civilization and Social Science for nearly more than half a century,—I say, I still feel, also, deeply the disadvantage of being called upon to address you, after you have listened to such an address as we have just heard from the noble Lord. But I will not trespass upon your time, which must be justly valuable to you all, by further preface, and I proceed therefore, called upon as the President of the first department of our Association, to address you on the subject of jurisprudence. I believe that this department has not been advanced to its distinguished position by any prerogative of science whatsoever; it is not a logical, not a heraldic precedence; for all the sciences relating to social improvement, combine, I think, to effect one great result. All are equal in dignity, and of each it may be said—

> Facies non omnibus una
> Non diversa tamen, qualis decet esse sororum;

and therefore to give precedence to any would be equal to giving a precedence to the colours we separate by the operation of the prism. We only separate the subjects for the purpose of their just observation and just discussion, and not with any favour or precedence such as that to which I have referred. Now, with regard to the objects of our meeting, I think you have heard them fully stated by the noble President (Lord Shaftesbury), in the discourse which he addressed to you last night with so much ability and so much energy. I shall, therefore, confine myself strictly to my own subject. I am thankful, however,

that at the very beginning of our proceedings we have asked the blessing of Divine Providence; and I am glad to see our work of social improvement commenced with such an invocation.

I will state to you the mode in which I wish to press upon your attention the purpose of our meeting, as applicable to that particular department of the Association over which I have been invited to preside, and then I will briefly—for it must be briefly—call to your attention those particular portions of that department in which co-operation is invited on the part of the public, so that by eliciting public discussion and public interest our deliberations may be most judiciously given and applied. Now, of course, I shall not attempt, in a brief address of this kind, to go into philosophical depths with reference to the definition of the science of jurisprudence. It is enough for me to say, that, in the advanced state of our civilization in this country, I take it for granted that the principles of morals, that the principles of right and wrong have been ascertained, so far as human infirmity is enabled to establish those principles, with the assistance provided by revelation. Taking that for granted, I think we may, for all practical purposes, treat the science of jurisprudence as being the science which deliberates on questions of right and duty with reference to the social position of man, in order to protect right and enforce duty by the sanction of the collective forces of the community as embodied in the executive. And looking to that definition, I think there is scarcely any point of view on which we ought to keep our eye more particularly fixed than this—Where is the proper line of separation, the observation of which will induce us to say, This portion of moral right and moral duty we should clearly leave to moral instincts and to moral education, and this portion of moral duty the Legislature is called upon to enforce by the sanction to which I have referred. The subject is an exceedingly difficult one. The noble Lord (Brougham) who preceded me has referred to one portion of this extremely difficult subject—the Maine Liquor Law. I merely mention that as an illustration. I pause not now to elicit an expression of opinion on the subject. But now, looking to this point of view, I entreat you to give your attention to the necessarily rapid sketch which I must place before you of the objects of jurisprudence, as we understand them in our own country, in order to invite your special co-operation where it may be eminently useful. I have been preceded by men of great eminence in this position which I now occupy. You have had the experienced statesman, combined with the energetic, and consistent, and persistent philanthropist in my Lord John Russell, one of whom it may be said that, with the exception

of the noble Lord who has just addressed you, there can scarcely be found in our country any man who has had so great and singular a blessing conferred upon him as the being enabled to see the desires and aspirations of his youth carried into effect, and become principles before he had advanced beyond the period of mature age, and being permitted, by his energy and consistency, to take a vast part in the advancement of those principles. You have had also the Right Hon. gentleman now behind me, the late Lord Chancellor of Ireland (Mr. Napier), who addressed you last night with much eloquence and ability, and who gave to this department of our social inquiries the advantage and dignity of its being supported and illustrated by one filling the highest judicial position in the sister kingdom, and possessing not only a practical knowledge of his subject, but also, which unfortunately I have not, the power of an eloquence which few can rival in giving full expression to his opinions. Now, I don't come here affecting to think myself utterly incompetent to the task I have assumed, because if I were to do so I should be telling you that I had been guilty of a great impertinence. My task is, to expound to you the elementary principles of law; it will be a practical account, bringing before you such knowledge as I possess of the working and the principles of the law, in order to direct your attention to that which requires remedying, and particularly to such matters as you can assist us, by your energy and activity, in remedying. It has been a very common mistake and misapprehension on the part of the public—an injustice done to our profession, which I believe people are beginning to see is a gross injustice—to suppose that those who practise in one profession acquire the habit of being so devoted to that particular department in which their lives have been engaged, that they are unwilling to lend themselves to change, reform, and progress in that department. That is a great mistake. On the contrary, you will find that from the earliest time the judges of the land have been most active and energetic in this work—nay, sometimes they were even before the community itself in their endeavours to remedy the defects of our jurisprudence. In the feudal times, very much of the legislation from which we are at this moment most deeply suffering with regard to the tenure of land was adopted; and in those times the judges of the land were the first to find out the device, for so it was—the pious fraud—of fines and recoveries, to obviate the mischiefs of entails, by which the great landlords of the country were desirous of securing for posterity in all time the particular lands held by feudal tenure. It has been by the energy of men like Lord Mansfield that the mercantile law has been so far

advanced. Progress has been made even in advance of the Legislature, and, I must say, in advance of the people themselves; and I might, if I had time, go on to enumerate many instances in which this advancement has taken place on the action of the members of the legal profession, who have thus effected improvement in our political as well as civil law. I might quote Lord Coke, the framer of the Petition of Right; Lord Somers, the framer of the Bill of Right; and Sir Matthew Hale, who, with reference to the particular subject which I have just mentioned, viz., the tenure of our land, advocated in his time that which we have not yet attained—a general register of deeds in this country. I may be permitted, on this subject, to call to mind an early recollection. More than thirty years ago I sat under the gallery of the House of Commons, when Henry Brougham fixed the attention of that fastidious assembly for six hours upon the subject which I am now endeavouring to bring before the attention of this meeting: he was listened to with the most profound attention; and his words sunk deep into the ears, yes, and deep into the hearts, of his auditors. When he took the vast survey of the whole field of the law, as it were, with a master eye—as a Brunel or a Stephenson—alas! I tremble as I mention those names—we have lost one, and I fear we shall soon lose the other—as these men would look over the field of those great works which they were about to direct, to enable the people of this country to travel with facility and speed unparalleled. I say, that when Henry Brougham took that survey to which I have referred, he pointed out to the Senate the roads they should traverse, the obstacles they had to cut through, the masses of prejudice they had to tunnel and undermine, reminding them that they should ever rest their progress for the future upon the solid basis of the past, on which their abutments should ever rest. Of that vast field which Lord Brougham then opened for the consideration of the House of Commons, there is scarcely any particular branch upon which great improvements have not been made as the result of the efforts of the noble Lord on that memorable night. He, if I may carry out the metaphor, has seen cheap trains started in our local and county courts; he has seen our progress through Chancery, which was heavy, slow, and encumbered, accelerated with an unparalleled velocity, though it may not rival the speed of our locomotives. These great improvements the noble Lord has seen, and these and other recollections of his mode of dealing with the subject will operate most unfavourably with regard to any ability of mine to deal with the subject before you; but, nevertheless, I feel it to be a duty, and the duty I came here to perform, to open the subject to you, though briefly, with such

sufficient fulness as will enable you to exercise each his own judgment according to his special ability, as to what assistance he can give to our Association in furthering the objects for which we are gathered together.

Now, for this purpose I take the great head of Jurisprudence and separate it, in the first instance, into that portion of the law which we may designate international law. That is my first great division. Our next division is of course our national or domestic law. With regard to the great head of International Law, how vast are the subjects which force themselves upon our minds as connected with the improvement and civilization not only of our own country but of mankind. It is to the improvement of our international law that we must look for the preservation of peace, and it is in the preservation of peace that we must look for the advancement of civilization and the happiness of man. Take those provisions which fall properly under the head of positive and distinct international law, by which, of course, I mean the law of treaties as distinguished from the legislation of particular countries. Have we not had abolition of the slave-trade? What improvement in civilization can be compared to that in which this country has borne so great a part, and of which the noble Lord has been one of the principal promoters? The noble Lord has referred to the Bill by which he made the slave-trade felony, and the time I trust is not far distant when we shall find every country ashamed of being concerned in this traffic; and agree in making it, universally, piracy. It was the noble Lord who recently lifted up his voice against that scandalous attempt made—I believe innocently made so far as the policy of the governor of the country (France) was concerned—but the attempt made by some of his subjects to revive that slave-trade in a most specious form—an attempt which was disclaimed as soon as it was fully and legitimately inquired into by the ruler of France. With regard to the slave-trade, happily, we have not to call for much co-operation on your part, beyond urging you personally to take care, with the watchfulness which the noble Lord has evinced, that it shall never, in any form whatever, be revived, and that you will impress upon those with whom you may communicate in this country and in others that they should make slavery universally subject to the penalties of piracy. You have also in this department the consideration of our commercial code. You have further the subject which has been ably discussed by some of the members of the Association,—the subject that will occupy another body in this town, viz., a uniform system of coins, weights, and measures. Then you have the great subject of a uniform copyright. You have

another great subject, that of the delivery up of crin offenders. You have another interesting subject—the relig rights, not of the inhabitants of each separate country, for other countries we are bound not to interfere—but the res due to the religious rights of every individual of whatever cour in whatever part of the globe he may be, and in respec which, I am bound to say, some provisions are necessar our intercourse with Spain and the Papal States. You l also, unfortunately, in this respect, I must say, to deal with sister country Scotland, on the principles of international l —the great work of endeavouring to assimilate as far as possi if not the whole civil law, at least the laws regulating the ri of creditors and the *status* of marriage and legitimacy between two countries. There is also the great subject of the rights neutrals; a subject treated with common sense during the with Russia, and yet demanding the calmest considerati for it affects cherished rights and prejudices, and we sho take care that we deal with that subject so as to avoid exte ing the miseries and desolations of war, not adding to nor agg vating them by evil legislation. These are the subjects international law, the importance of most of them being p pable without further explanation. Some of you will be terested in copyright; some will be interested in commer some in that great question of religious freedom of the subj of every nation, in whatever part of the world he may be; a others may be interested in that great humanizing question the slave-trade. To each and to all, I would say, don't take too many subjects. It is my duty to indicate the various su jects for our consideration, but I should not be weak enough endeavour to induce you to enter upon them all. I only c upon you to take the wise course of looking into that particu province in which your knowledge and energy and power m be brought to bear to influence the feelings of society in gene through the operation of this Association, and thus influen the movements of the Legislature.

Now, with regard to our national or domestic institutions a law. Here, again, you have a large field before you. I ha divided it into general heads for the sake of convenience a memory. You have—1. The laws relating to the Legislatu itself, its composition and functions. 2. The consideration of o common political rights and duties as citizens, whether general or as broken up into particular corporations for united actio 3. Our individual rights and duties, both personal and in respe of property; and, 4. The protection and enforcement of tho rights and duties by our tribunals.

Now, with regard to the Legislature, and its constitutio

embracing as it does the subject of Parliamentary Reform, I will not dwell on this subject, because I hold it as a point which we cannot keep too strongly before us in our Association, that we should render it, as far as possible, a scientific Association, that we should avoid all those subjects, the discussion of which might introduce any perturbation in our deliberations. We should avoid any subject, therefore, on which party feeling can be brought to bear, or upon which there is a fair balance of party opinion in the different sections of our great community. If we do not take that course, the Society will be shipwrecked, and its deliberations will be brought to an end. We ought to endeavour to form an opinion calmly, dispassionately, and deliberately; and we cannot do that, I am persuaded, if we introduce subjects upon which any strong party feeling exists. Therefore, I shall leave such a subject as Parliamentary Reform without observation; but there are other matters in which discussion may be usefully employed. First, there is the framing of our statutes, and connected with that the great subject of the consolidation of our statutes. Now I am a member, I don't want to keep anything back, of that much and well-abused body called the Consolidation Commission. We have done but little, and it was manifest but little could be done by us. We were a body of men, nearly all of us, employed to the utmost extent of our powers and to the utmost extent of our time. All that could be expected of us in that state of things was, to indicate a course rather than to complete a work. That course, I am bound to say, we did indicate; and if that course had been adopted, there would not have been the complaint as to the inefficiency of that Commission. We indicated in our first Report, that it was essential to this work that there should be able men whose whole time should be secured for the work, and able men could not be found in this busy age to give their whole time unless they were remunerated for bestowing it; and we made a distinct proposal to the Legislature, or rather to Her Majesty, and which was communicated to the Legislature, that there should be a Board constituted, consisting of at least one, if not three persons, whose duty it should be, under the direction and general superintendence of the Commission, to give their whole time to the embodiment, in a due and proper form, of these statutes, which should be collected from various portions of the Statute Book; and much more, that they should give their whole time to the supervision of the future course of legislation; because you will all perceive that it is impossible, and if it were possible, would be a useless and fruitless task, to attempt a consolidation of the statutes, unless full care is taken in the constant and renewed work of

legislation, session by session, that the laws passed relating to separate departments should be gathered together under separate heads. How can you otherwise provide for the future full understanding of the statutes in a country, where, owing to the freedom we have the happiness to possess, it is competent for every individual member of the Legislature to originate and carry through, if he have the ability, any measure of his own devising, wholly irrespective of and unconnected with the legislation which may have preceded, the author of the measure, of course, showing some general acquaintance with the subject? We suggested the measure of which I have spoken, and it was referred to a Committee of the House of Commons, the effect of which was that it met with the usual fate of such questions, by being indefinitely postponed. One work, however, has been accomplished which is of the greatest utility—I mean a full digest of the Statute Law (which must have preceded any work of consolidating the statutes), from the year 1760, the 1st of George III. down to the present time, pointing out every statute repealed, every statute varied, and every section of a statute which has been repealed or varied. Of that work it is scarcely possible to exaggerate the importance, whenever the consolidation should be begun, as it will be by-and-bye, if we obtain a department of jurisprudence. Of the necessity of such a work you will all be aware, for nobody can have opened the Statute Book without seeing how impossible it is to arrive at an opinion on any subject without inquiring into perhaps twenty or thirty statutes, there being even then the probability that one has omitted some Act of the greatest importance. I may mention briefly an instance. There are no less than seventeen or eighteen Acts of Parliament to tell you how you can be properly married. I cannot conceive anything more important to our social condition than that; and when I was Solicitor-General the present Lord Chief Justice (as Attorney-General) and myself were called upon to advise on the question of the legitimacy or illegitimacy of a person whose parents were married in a certain place. We had to search through sixteen or seventeen Acts, and overlooked for a time the one which proved the individual to be illegitimate. How were the unfortunate parents of that child to be informed upon the subject? Upon the child there was to be stamped the legal disgrace, for in that case no moral disgrace could be imputed—the legal disgrace of bastardy merely because his parents had done that which we, for a considerable time, and before we had had more mature opportunity of consideration, had also done, namely, overlooked one of the manifold Acts which regulate the law of marriage. Again, let me mention a specimen of crude legislation, apparent in the title of

something like 100,000*l.* for the benefit done to his estate by bringing a railway through it, by an agreement which was sustained in Chancery. There was nothing to prevent its being sustained as the law then stood, but such things could not have been if railway legislation had been better attended to. I will only add, that all concerned in any way in the management of a railway company have a large and deep interest in acquiring all the information they can upon this subject, and in scrutinizing, as I hope the shareholders will, every item expended in this matter of local legislation, in order, as far as they can, to place things on a better footing. We are certainly past the time when we had to fight a battle for about twenty days before a committee, of whom perhaps one or two only had heard all the evidence, and all that our arguments might suggest, whilst about four-and-forty members came in and voted for the affirmative or the negative. Those days are gone by, and we owe much to Sir R. Peel for the improvements in sub-committees; but there is much desirable work left to be done. In regard to more immediately private legislation, much even is required. My most valued friend in life, who long held his living in a town not far distant, I refer to the Vicar of Leeds (Dr. Hook), had to spend to my own knowledge (for I saw the bills), 700*l.* of his own money to be allowed to give up half his income. He obtained a Bill by which, under certain conditions, half his income would be extracted, and to do that he had to bear the expense out of his own pocket. I ought not to say his own pocket, for the generosity of the public of Leeds has been such that they have not allowed the money to be un-repaid, but it had to be paid out of his pocket in the first instance. While on this subject of private Bills I ought to call attention to a Bill for which I believe Lord Cranworth has never received a just recognition of his exertions to improve that portion of our legislation. He passed a law by which, instead of an expenditure of 500*l.* or 600*l.* in granting a building or running lease, or making family arrangements which might be inconsistent with a family settlement, the object can be attained on a simple petition to the Court of Chancery at an expense of 20*l.* or 30*l.* instead of 600*l.* or 700*l.*, and I have myself made, under Lord Cranworth's Bill, from fifty to sixty orders representing a saving of from fifty to sixty times 600*l.* I have now concluded the great head of Domestic Law, viz., that relating to the state of our legislation.

The next head is our common rights and duties as citizens, political, corporate, and the like. That head again verges so nearly on party politics that I again repeat the caution, that we should not allow the Association to be trammelled with any matters which can possibly be affected by party movements or

by party interest. Still there are subjects which may usefully occupy your attention with reference to these matters. For instance, the varied methods of employing with useful energy our municipal corporate bodies, the importance of which, in reference to freedom, it is not possible to exaggerate. If they had had such corporations in France, none of those revolutions could have taken place which have occurred, to our great grief as lovers of real freedom in this country, namely, the adoption of large and sweeping measures and decisions of the highest importance to the welfare of the community, carried without any single meeting of any single public body in the kingdom. There are other questions, with regard to public rights, which, though they do not come within the division of matters which call forth party feeling, yet belong naturally and properly to the other divisions of this Association:—those with reference to the prevention of crime, those with reference to sanitary regulations, and those included in questions of social economy. I pass, therefore, rapidly from these things, wishing, as extensively as I can, to suggest the heads of matters within my own province in which you can seriously and materially assist and benefit us.

We come, then, to the great question of private rights and private duties, as secured by our present jurisprudence. Now first, with regard to personal rights, there is grave matter for deliberation:—with reference to the rights of husband and wife, to the relation of parent and child; what, again, can be done with reference to the improvement—for in many respects I think it requires improvement—of the law regarding wards in Chancery—what can be done as to the position of those children who have not any amount of property to support important rights, which ought to be protected, as in the two or three recent cases which have occurred, involving the right of the child to the advantage of education in the religion of its deceased parent, and other considerations of deep and vast importance; a right only asserted in a recent case by persons subscribing money in order that the child might be made a ward in Chancery. All these subjects are matters of interest; but the question is so much larger as to the rights of property, that I am compelled, for want of time, to pass them over. Secondly, then, as to private rights of property, you have staring you in the face the great division of property into real and personal. I am not prepared to say that that is not a substantially right division. All nations recognise the difference between moveables and immoveables; the distinctions of our law with regard to the consequent rights are in such a state of complication, that wherever the pinch is felt—and it has been felt continually by creditors—we have been obliged to break through

such distinctions, and the real property of a debtor, in fact, has been brought into the same position with his personal property. If a man die indebted by bond, unless there is some special provision in the will, the bond creditor has a preference over the simple contract creditor as to the real estate, and sweeps it away. If there be some few words in that will—some few, and perhaps to the testator unintelligible words—then the property becomes what is called equitable option—is equally divided between all the creditors. In bankruptcy and insolvency the justice of such payment is felt, and you at once get rid of all these distinctions, unless a creditor by his care and caution has obtained a specific mortgage or other security. That is however, but a slight illustration of the peculiarities of our law of real property, the great difficulties with regard to land arising from the state of our law as to titles to estates, and our complicated limitations. Lord St. Leonards, who has done so much to make all familiar with this subject, has used in his book a few words that illustrate these difficulties with singular force as coming from him, whose knowledge of the law of real property is, perhaps, unparalleled amongst living lawyers. He has expressed his opinion in these few words:—'I advised them in America, when they were considering the question of the consolidation of their statutes and the question of registration of titles to land, to have nothing to do with the complications of our feudal tenure.' Who can doubt that we should be gladly free from the mass of these embarrassments? Of course it is not becoming or desirable for any one here, especially for myself, who have been for some time engaged administering these laws, to recommend any hasty step in the alteration of a system which has so long taken root in our constitution. Such a change can be effected only by the gradual diffusion of information. But, with regard to the question as one of Social Science, look how the limitations of your law affects the free transfer of your land. It is only on account of these limitations that you have difficulties as to title, because, if it were not for the complexity of limitations, a system of registration would long since have been established, which, so far as fraud and rapidity of transfer are concerned, would have freed us from every difficulty of title whatever. You have now the combined effect of fraud and the complicated investigation of title, which operate in the most serious manner to prevent the free transfer of the land in our community. What I wish, and have long wished for, is a free transfer of land. I cannot too strongly urge the importance of your joining us, as members of this Association, in endeavouring to diffuse information on the subject, and to instruct the uninformed. We want

your assistance in impressing upon all this fact, that if there be men who desire the acquisition of land, and, as far as my experience goes, there are very few who do not—if there be any man who desires the acquisition of land, and is not blessed with those large means which some few favoured individuals possess, who desires to possess his acre or his rood, that man will find it impossible to accomplish his desire until he has a title acquired by a course of registration free from the present trammels and difficulties of our law of tenure. The only mode, I believe, of achieving this object, and retaining at the same time intact the rights to which persons become entitled under limitations in family settlements is this—to have a register of the legal title of the land, that legal title representing the simple title, and admitting nothing more than the fee simple and the charge, the charge being general or special, as the case might be; and you must then reserve all these peculiar limitations by way of trusts delivered in another instrument, entirely separate and distinct from the register; upon producing which the person holding it should be entitled to have a notice from the registrar before any transfer can be made of the legal title to the land. This is actually effected as to stock. There are settlements of stock as complicated as those of land, but the course taken is this: the person claiming a trust in stock lodges at the bank a distringas, and that stock cannot then be sold unless notice be given to him; and he is obliged, within a week after receiving such notice, to file a Bill in Chancery to restrain the transfer of the stock. That being done, the whole title is ascertained, and no mischief whatever is the result. Do not the owners of land themselves feel the difficulty? They do; and in almost every well prepared settlement there is given to the trustees the very power which I wish to give by legislative sanction—powers of exchange and powers of sale, with the express provision that any person accepting the offer of the trustee shall not make inquiry as to what is to be done with the money. Let such a provision be adopted, and you will acquire a facility of transfer not equal to that of the transfer of stock, because questions would occasionally arise with reference to the complications of which I have spoken; but, at the same time, a transfer which would be simple, cheap, and expeditious. Now look at the social and political effects of this. You see a large class of our working men placing money in savings banks, and another large class placing it in provident societies, but you see, I had almost said, a still larger class investing in building societies. They delight in having possession of their own freehold—they delight still more in being landowners in the country; and I am satisfied that a large proportion of the

savings of our working men would find their way in the investment of land if you gave them opportunities of purchasing it. But how can you do it? I had myself to purchase a cottage, and three-quarters of an acre of land. I gave a fair price for them—the precise sum I do not remember; but the expense of investigating the title and the transfer of that land was one-and-a-half times as much as the cost of the cottage and land together. How can any poor man bear that? It is impossible; and you deprive him of the advantage of any investment of that kind. Then look to the advantage socially which would be derived from allowing all classes the opportunity of becoming thus possessed of land, and so attached more closely to their country. People are bound by strong ties of attachment when they feel that a portion of the land is their own, upon which they rear their family, and on which their children look afterwards as having belonged to their ancestor. Then consider the advantage to the present landowners and to large proprietors. Would it not raise the value of land very considerably by introducing a larger market for it? We all know that the value of commodities increases in proportion to the number of competitors, and you would, if such an alteration were made, have a much larger number of purchasers, which would of course increase the value of the land. But what if the landowners were to desire, as some of them do, to borrow money? They would pay largely every time they make a mortgage, every time a mortgage is changed, every time when the first mortgagee is tired of lending his money on investment, and they must find some one to whom to transfer it. On each transfer a new process of examination of title must be gone through, and in a great number of instances (except where the amount involved is 30,000*l.* or 40,000*l.*), where from 5000*l.* to 10,000*l.* is borrowed, the rates of interest are standing at from 4 per cent. to 4½ and 5 per cent., in consequence of the increase of expenditure which these inquiries entail. The additional security of title would also lessen the rate of interest. This is a subject upon which you can all give information, and bring to bear the facts and information which you may possess, either as to the desire to acquire land, or the expense attending its transfer, and you can all assist us, especially in bringing to bear on the mind of the Legislature the importance of change in this direction. This is a subject which I could not lightly pass over. There is another of considerable interest, which I shall reserve for discussion in the section, because I considered it of so much importance that I have prepared a separate paper upon it. I just mention it that you may perceive it has not escaped my attention. It is of a deeply interesting character, namely, our

charitable endowments. The point I wish briefly to mention here is what appears to me an extreme absurdity. In our desire to promote what is called charity—which, too often, nay, in almost all posthumous charity, is but another name for vanity,—we allow to those who are not permitted to benefit their descendants beyond a certain limited time which the law prescribes, namely, the life of another and twenty-one years after—we allow them to say that they will apply their property for what are called charitable purposes for any number of centuries. Does the sacredness of property require that you should allow a man to say, 'I will allow and direct 300*l.* a year to be paid out of my estate, to be applied for ever to the payment of a man who has been unsuccessful in literature in the diffusion of my opinions in my published works?' That, nevertheless, is a charity approved and sanctioned, necessarily sanctioned, as the law stands, by the Lord Chancellor:—300*l.* a year for ever was allowed to be thus individually appropriated, while you would not allow the man to leave the money to his great grandchildren. One word with regard to the vanity of testators. I heard Sir Robert Peel state, that the grandchildren of one of the most eminent benefactors, so called, in London, who founded a large hospital, and left 400,000*l.* for the endowment—the grandchildren of that man applied to Sir R. Peel for a pension, on the ground that he had disinherited his own family and left them paupers, for the purpose of being designated at public dinners a great benefactor. That is a matter certainly requiring our careful consideration. I find that the time has gone on too far for me to dwell on two or three other matters I had marked for discussion.

The next great head was the assertion and protection of our rights and duties both in relation to our property and our persons through the medium of our tribunals. I will not touch upon the administration of our criminal law, as it belongs to another section, ably presided over by Mr. Milnes, that head involving the question which the noble lord has mooted of a public prosecutor. I have, however, my own tribunal to consider. One word—and I shall be very brief—upon the Court of Chancery. I have already stated to you how the noble Lord (Brougham) assisted us in our improvement there; and I have also stated how anxious the Judges have been, nearly at all times, to promote the reform and improvement of the laws. The French Revolution, however, scared everybody out of their senses, and reform was then only regarded as being synonymous with revolution. That such a man—a man of so vigorous a mind—as Lord Eldon should for so many years, upwards of twenty, have opposed so many obstacles to the reform of the

law would, except from this circumstance, have been surprisin
but from the first moment that we were delivered from th
state of things—from the first moment that Lord Lyndhu
assumed the reins of power in the Court of Chancery, t
career of Chancery reform began, and Lord Lyndhurst ma
several important reforms by the orders which he promulgat
Lord Brougham, also, besides clearing off all the long arre
of the court, promulgated many orders of a most useful a
salutary description; and from that time to this we have had
succession of most able and learned Chancery reformers.
Commission, of which I was an humble member, was appoint
to prepare a scheme of Chancery reform, and we have had t
singular satisfaction of seeing every recommendation we ma
carried into effect; and you can now have such a cause, a
have known to last five or six years, completely disposed
and frequently after appeal, in one year. I have myself h
case after case of this kind, in one of which more than thi
witnesses were examined. The bill was filed in November, t
case decided in May, and disposed of, on appeal, in Augu
The Commission I have referred to was appointed by h
Majesty at the instance of Lord Cottenham, who hims
acted on the suggestion of the present Master of the Rolls, S
John Romilly, then Attorney-General. The Bill to give eff
to its recommendations was ordered by Lord Truro to be draw
and the rough sketch of it was drawn, and its introduction in
the House of Commons announced by myself as Solicito
General, when a change of ministry took place. Lord S
Leonards, as Chancellor, finally passed the Bill. You will see th
the Judges of the Court of Chancery are not altogether idle wh
I tell you that the four Judges of the Court of Chancery, t
Master of the Rolls, and the three Vice-Chancellors have ma
10,800 orders in the course of the year. Many of the orders,
course, are mere matters of form; but every third or fourth ord
will require some time for consideration. The importance
these alterations all of you must know, whether you have h
the misfortune to be engaged in Chancery or not. The last in
provement which has been carried into effect was on the su
gestion of Lord St. Leonards, and is embodied in a Bill passe
on the 18th of August last, by which any trustee, by simpl
applying to a Judge at chambers, may obtain his direction, f
a small cost, upon any difficulty which occurs, and he will the
be justified in any course of action he may take. Don't let
be supposed that I think that this tribunal has been rendere
as effective as it may be. I live in the hope of seeing mo
done, and especially on that difficult subject of evidence i
Chancery, upon which a commission was lately appointe

With regard to the common-law tribunals, you are all aware of the large improvements by which the procedure of the several courts has been assimilated—not one rule prevailing in one court and another in another—but all being regulated by general rules; of the facilities also given for the production of papers and documents, to obtain which you had formerly to appeal to the Court of Chancery; and also of that still more important reform, which granted the power to examine all the parties to a suit. That latter change has doubtless been productive, or, if not productive, it has occasionally induced the commission of perjury; but, on the whole, it is better to leave all matters of evidence to the free decision of a jury, who will generally discover who are the honest men and honest witnesses. Still there is much to be done in the improvement even of the common law courts. But there is a tribunal yet to be referred to in which you are, perhaps, more interested in this district than in any other, that of bankruptcy and insolvency. All of you, probably, have had the misfortune to be creditors at one time or another, of persons whose estates have had to be there administered. I shall not enter into this question at large; it is so plain what your duty is, so manifest that your duty here accompanies your interest, that I have no doubt you will be ready fully to consider the subject. Great assistance has been given by those present at our previous meetings towards reforming those tribunals; that assistance has been fruitful. A Bill upon the subject has been introduced by Lord John Russell, framed under the sanction of this Association; and a standing Committee has been appointed on the subject. I cannot but think that a Bill sanctioned by the united opinion of the commercial men of most of our commercial centres must, however much details may be canvassed, possess features of deep and important interest in this great question. I may mention that I have looked at the statistical returns relative to the cost of bankruptcy, and they certainly do not correspond with the very high figure (in some cases 50 per cent.) which has been erroneously stated. I think part of the over-estimate was due, as Mr. Hastings in an able report suggested, to people forgetting that out of the assets are first taken all the moneys held upon security or mortgage, and which the creditor is entitled to be paid in full. The expenditure, according to the returns, is from 23 to 25 per cent. of the assets; there may be an error, but it is right that the public should be disabused as to the enormous amount of the expenditure. Still, the expenditure is too great, and we want considerable reform.

And now I may, lastly, say a word or two upon the general remedial measures which I desire to see carried into effect.

You have heard of a proposed Minister of Justice. That been fully presented and discussed by the noble Lord who ceded me two years ago in this department, and you have had the opinion of the late Lord Chancellor of Ireland (Napier). What has appeared to me the proper course to taken is this:—I think that you should have a Departmen Justice, as a special department of the Privy Council, just you have that of the Board of Trade. At the head of t Department of Justice should be the Lord Chancellor for time being, and there should also be a vice-president in House of Commons, just as you have a vice-president of t Board of Trade. But you will want a staff, and just such staff as I indicated was necessary for the consolidation of t statutes; they should be well paid—for you cannot get the b men without paying them well—and there should be a man fro each department of the profession—from the conveyancing d partment, the common-law department, and the Chance department. We should thus have an organized body whi would be able most fully to do two things—first, to prepare th Bills necessary, in their judgment, for the effectual reform o the law; and, secondly, to receive, as the Board of Trad receives, deputations and public bodies who feel interested i law, and wish to make their representations and their want known to the Government. We should no longer have th discreditable scene of Bills being brought in, as they frequently have been, with total oblivion of the Bills which have preceded them—Bills introduced without any care in framing them, and passed in such a condition, in fact, that frequently the Judges of the land, when called upon to expound them, feel themselves in the most absolute difficulty and uncertainty in endeavouring to ascertain what the Legislature intended to express. The last point which I wish to mention—that of legal education—is one in which you may assist us also materially, and I will tell you how. It is a subject in which I have long felt deeply interested, but in which there appears some difference of opinion at the Inns of Court. Two of the Inns coincided with the view of the importance of legal education, which I shall explain to you; two originally differed from this view, but one of them, by the small majority of one, has since concurred. What I desire is this:—At present a young man is sent to study for the Bar—and I call the attention of parents to this subject, for those who oppose us tell us that the parents are opposed to what we advocate—a parent sends his son to London, and supposes, in many cases, that he is learning law in attending the Inns of Court. The fact is, the Inns of Court do provide now, but only recently, opportunities for the student to inform him-

self, by means of lectures given by learned men on various subjects of the law; but he is not compelled to submit to any examination whatever, and all he has to do is to present himself before the lecturer and to behave decently—not to read a newspaper, unless he is in a quiet corner—and then his duty is fulfilled, so far as any duty exists. There is a voluntary examination for a studentship and for a certificate of honour. That is the whole education which the Inns of Court provide; and the question is—and we are told there is a difference of view—whether parents would not like their sons to be subjected to an examination, to see whether they had profited by their instruction or not. We have compulsory examinations in the army, up to the degree of lieutenant; examinations in the navy, examinations in medicine, examinations in chemistry, examinations of attorneys and solicitors—we have compulsory examinations for all these, but it is supposed that we ought not to have them for the Bar! That, again, is a fair matter—it is no party question—for consideration and deliberation, and one upon which you may materially assist us in guiding our judgments and enabling us to arrive at a proper conclusion. And why do I wish for this? I wish to see an enlarged view of jurisprudence existing in this country. I am told often, 'Look at Lord Mansfield.' He was, no doubt, a man of large views, but he came here from that country where the Roman civil law is in force, and is the principal basis of their judicial system, with which he was, no doubt, thoroughly acquainted. Sir William Grant and Lord Brougham, and many others, have also, doubtless, acquired for themselves a sound and enlarged knowledge of the civil law. But look at the many who never acquired anything of the kind. I take shame to myself in saying, that almost up to the time that I was placed upon the bench—because the moment you enter Parliament or into public life you have no leisure for such studies—almost up to the time of my being on the bench I was singularly behindhand in my knowledge of jurisprudence, compared with what every sound lawyer should be. You want an accomplished class of jurists, such as exists on the Continent, not in order that we should adopt the laws which prevail in other countries less free than our own, but to enable us at least to take an enlarged view of our own law—to see where general views are applicable to our particular purpose, and, in other words, never to attempt legislation until we are convinced and decided in our own minds of the general principles on which legislation should proceed. Then, and not till then, should we attempt legislation, in order to see how far existing positive law should be altered and modified. There is a saying attributed to Solon, when asked if he had given to the Athe-

nians the best laws; his reply was, 'I have given the best for them;' and so I say it is in vain to attempt to force on any people, politically or civilly, any cut-and-dried mode of procedure; nevertheless, you should fully understand why it is you depart from that which is recognised as a general principle. Look at the advantage you may gain, and that is peculiarly applicable to us, the moment you find the state of society in which you live anxious to promote and advance a new course, the correctness of which general principle would seem to indicate, you bring the matter to the crucial experiment. Is the principle right, or the present state of society right? If the principle is right, then you ought to endeavour to bring about a different state of things in your social condition. I am now about to conclude; but let me press upon you the advantage and the importance of this point of legal education, which I cannot do better, I think, than by showing you how it is opposed by those who desire no social improvement. In reading a few days ago in a newspaper some documents which had been seen in the archives of Modena, there was one referring to the intercourse of Duke Franz V. and his Home Minister, with reference to universities, which I considered so apposite to this particular point that I cut it out of the paper. It is very short: 'Rescript of Duke Franz V., 9th December, 1853, to his Home Minister. On inspection of University Calendar for 1848–49–50–51–52, we mark with satisfaction the progressive diminution of candidates for the higher faculties of study, pursuits which had hitherto been detrimental to society. This is mainly due to your exertions, and we thank you for it, as we are firmly persuaded of the evil resulting from too great a number of students and literati. We exhort you to continue your exertions in curtailing the list of those admitted to the course of philosophy, and particularly the study of the law. This latter occupation cannot be too much confined and discouraged.'

[Sir Page Wood then urged the importance of establishing an enlarged system of legal study, which could only be effected by an enlarged system of examination. He apologized for not having prepared a written address, and concluded thus:] I am thankful if I shall have been able in any way to assist this work. I came here because I feel in earnest about it, or I would not have undertaken the task; and I come to the conviction, which I have long held, that the whole province of learning is not, as Lord Bacon expressed it, to be a mere couch for the idle to repose on, a terrace for a fair prospect, a tower of state for pride, a fortress for strife and contention, or a shop for profit and sale, but it is intended to be a rich storehouse to the glory of God and to the benefit of man's estate.

Address

BY

THE RIGHT HON. C. B. ADDERLEY, M.P.,

ON EDUCATION.

MY subject is Education, which is the basis of all Social Science, if Locke said truly that nine-tenths of all the men you meet are good or bad, useful or dangerous, members of society, according to the education they have had.

Mr. Cobden said well the other day, and with authority as the result of his late reflections on an American tour, that the only safe basis of free citizenship is education; that no man is fit even to exercise a voice in free citizenship without at least some adequate education.

There is a still higher and more comprehensive view of education than this. All human life is an education for permanent life beyond it. But within this overriding scheme there are several stages of education, each a rehearsal of that which succeeds it, and the whole together a homogeneous school for the next life, with the unity of perfect design which belongs to all the orderings of God. The boy is exercised in school for manhood; the young man exercises himself for his proper post in society, and the adult citizen exercises himself in the duties of life, from which none are exempt, and by his performance of which he fits or unfits himself for futurity. These are, in fact, the three stages of this life's education: the first draws out a child to be a man; the second applies that education to the special businesses of life, and makes a man a citizen: the third consists of social institutions and arrangements within which these businesses are carried on, and makes a national character. The last, under the name of Social Economy, is referred to another section of this discussion; I only mention it as it comprises nine-tenths of all education, and of it we Englishmen are justly proud.

If I can succeed in clearly distinguishing between the two former stages, namely, that of general education from that of what I will call apprenticeship, using the term widely to mean all kinds of special training for any kind of business, from that of a nobleman to that of a day-labourer, I shall have done a

service to the country. Dr. Temple, Head Master of Rugby, and a very high authority, says in a published letter on the Oxford Middle Class Examination, 'The prevalent heresy of the day is considering school a possible substitute for apprenticeship. Apprenticeship may be made a substitute—a very poor one—for school. The converse is simply impossible. The upper classes have the sense not to attempt it. They do not make the barrister learn his law at the universities, nor physicians their knowledge of medicine; but the middle classes do make a similar attempt, and great mischief is the consequence.' Mr. Boutwell, Secretary for Education in the State of Massachusetts, for whose Reports I am greatly obliged to Mr. Recorder Hill, complains that the education of New England is too material—that the immediate object seems to be to turn out, as speedily as possible, the men of business of whom America is prolific, in forgetfulness of the prior necessity of making the character of the man, which is to be illustrated and elaborated by the afterwork of life.

It is this general education that we are here to discuss, and I have thought it the fittest way to achieve my task of opening that discussion that I should give a synoptical view of the whole field over which the subject extends. By means of such a panorama we shall best detect where amendment or legislation is needed—we shall correct many partial views of our own work, and inaccurate comparisons with that of other countries—we shall ascertain the limits of possibility, and the relations of different parts, and in recognition of the entire scheme be better able to co-operate equally in contribution to a common cause.

I have prepared an actual diagram* to elucidate my plan more clearly to the eye, as well as to the understanding.

General education for boys, and, for brevity and simplicity, I will restrict my view to boys only, extends over the first twenty-one years of life.

Its first stage is that of childhood, up to the age of ten; the instruction belonging to it is rudimentary, in reading, writing, and arithmetic, and is alike for all classes of society. Boys of the upper class spend it chiefly at home; of the middle class either at home or at preparatory schools; of the labourers' class, at national schools, and there *their* general education, for the most part, ends, and their apprenticeship to work begins.

The second stage of general education is that of boyhood, from the age of ten to eighteen. Boys of the upper class spend this time at private schools or public schools such as Eton, Harrow, Rugby, and others; those of the middle class at private com-

* See skeleton of this diagram at the end of this Address.

mercial schools or public endowed grammar schools; and here *their* general education, for the most part, ends, and their apprenticeship to business begins.

Only boys of the richer classes, or destined for liberal professions, remain to the last stage of general education, which they get at the universities.

At whatever point a boy's apprenticeship to his life-work begins, there his general education ends, or becomes intermittent and subordinate; as, for instance, where the upper class go to law chambers, hospital practice, secretaryships, curacies, or the first training to the proper employments of the gentry of this country —where the middle class take their initiation to work in their father's farm, or business, or art—where the labourers' class go to their daily labour. This, at least, is the broad outline of things as they usually are in this country, though subject to many exceptions. A whole class of the sons of rich men, for instance, begin apprenticeship as officers in the army or navy, before the second stage of education is finished, at the age of fourteen or fifteen; and many of the labouring class prolong education beyond their usual limit at the end of the first stage; postponing their ordinary period of apprenticeship for two or three years. But, as a rule, general education is limited, as I have delineated; and is always prior to, and distinct from, the process of apprenticeship to any specific industry. The one makes the man, the other the man of business. So also, what we technically call national education, as a part of general education which is subsidized for the labouring classes from the national treasury, is a distinct thing from all kinds of industrial training of those classes; and industrial schools, together with the anomaly of workhouse schools which ought to subside into them, and reformatories, are exceptional cases, in which destitution or parental neglect have thrown children on the guardianship of the State, which has therefore the responsibility, not only for their education, but for their apprenticeship also to some subsequent means of earning a livelihood. Schools of Art and Science also are both exceptional and temporary in connexion with national education, the State undertaking to institute for the country a means of creating a higher demand than itself originates for the advancement of trade and manufactures, in hope that when the demand is once created the supply may sustain itself; and this it takes up only at the second stage of instruction in particular arts or sciences, the elements of which are now considered as matters of general education.

Self-education, the most important and efficient of all, begins with apprenticeship, when a young man first becomes his own schoolmaster, and its rapid extension in this country is amply

proved by the increase of people's libraries, cheap journals, and popular literature of a healthy kind.

I have now laid before you my programme.

It remains for me, in review, to see whereabouts it may in any stage evince a necessity for legislative action or amendment.

We are not, I hope, a mere debating society, dealing with arguments without any practical conclusion—for ever pursuing, never overtaking—handling subjects, but not grappling with them—brilliant in locomotion, shunted in terminus. We hope to see our discussions traced in future legislation. We even pretend to the highest part of legislation ourselves, namely, that of thought. Too much of our national action is based on nothing better than mere bias of will! too little on reflection and deliberate judgment. What shall we say of the freedom of a nation which only elects representatives to legislate for it, and cannot think what it wishes them to enact on its behalf?

On what point, then, and in what direction, in this panorama of educational provision, is any legislation required? Is it about the Universities? I say no. There has recently been legislation enough for them. Possibly that legislation may not yet have succeeded to our desire in extending their usefulness, increasing the number of their students, or nationalizing their application. Too little, still, have their numbers kept pace with the increase of population—too much still is their use restricted to one or two classes of the whole community. But *this* has been effected by the recent legislation. Their internal organisation and government are invigorated, their fellowships and scholarships enfranchised, their whole machinery is utilized. They have now, at least, the power to reform themselves further, and extend their own action; and they have already given evidence of their emancipated powers, and of a liberal intention to meet the growing demands of the times. Their offer of the highest function they can exercise in aid of the general education of classes not within their domestic province, namely, that of examination—testing the standard of instruction, and holding out the stimulating prize of their own approval—is a proof of their readiness to nationalize their action. One of the first and most practical forms of internally extending their usefulness will be by cheapening their process of education, and reducing the expenditure, both collegiate and private, of the students, so as to bring that stage of education within the reach of families possessed of moderate means.

Proceeding to review the second stage of general education—that of boyhood—the upper classes have no reason to complain of their private or public schools. These are the healthiest part of our whole educational system—showing the strongest

demand, and the most satisfactory supply. No legislation is needed here, unless to assist in opening wider some of the close foundations. The country itself is teaching the public schools to cheapen their process, by raising rival schools at much less cost. Marlborough, one of the most successful, is gradually endowing itself by the investment of its annual profits, greatly as its present cost is under that of Eton or Harrow. In this respect proprietary schools have the disadvantage of inability to create endowments for themselves, from their shares being saleable. Nevertheless, they are both increasing and succeeding. Of the High School, Edinburgh, we have the highest illustration in our President of Council, Lord Brougham, who has himself often held it up as a good example of the possibility of educating all classes together in this country, and it combines the advantages of a large school with the sustained influence of home, the normal system in America, and, in theory at least, the best of all education.

The middle class, however, have no such reason for satisfaction with their present means of boyhood education—the private commercial, and the endowed grammar schools of this country. Here legislation is most urgently needed. I appeal to Lord Brougham—though I hope to see him many years presiding over us yet—not to lose one of those precious years in completing his own great work—the powers given to the Charitable Trust Commissioners for making more available for education the locked-up, or abused, or dormant endowments of past times. I will briefly state their present condition, and the remedies wanted. The last Report, 1837, shows an amount of endowments for education in England and Wales of 300,000*l.* a year, counting none of those in connexion with universities, chapters, collegiate churches, and the like. Others, which then escaped the cognizance of the Commissioners, or which have been since bequeathed or applied, may swell the total present amount to 400,000*l.* a year. Those still remaining unapplied or perverted are probably limited in number, and in course of diminution by being brought to light. But the management of a large number of such charities is inert and insufficient, obstructed by religious differences and petty personal considerations, or corrupted by pecuniary interests. Their benefits, especially in the case of grammar schools, are often injuriously restricted by the terms of ancient trusts. There are also numerous charities founded for the use of the poor in general terms, or for benefits which have become practically valueless to them; some of which might be appropriated to the education of their children.

An extension of powers should be given to the Commissioners:—1. Themselves to establish 'schemes' for rendering

charities available in non-contentious cases, and to appoint trustees without application to the Court or Attorney-General 2. In the way of enlarging the limits of their *direct* remedial action. 3. In popularizing them by reduction of costs, which are onerous to small endowments, even in the present summary process before Judges in chambers.

If Lord Brougham would introduce a Bill next session to make only this easy completion of the powers of the Commission which he originated, then I think the large access of private funds which would become available for education should be considered mainly due to the use of the middle classes. They strictly represent the class which was intended by the founders at the time of most of these endowments. Besides they are now the class worst provided with means of education. The enormous stimulus and aid given from the Treasury to schools intended chiefly for the labouring classes, has tended to shut up the schools which were in use chiefly by the middle classes. The upper classes can and will educate their sons. The middle classes have neither the same means nor inducement, and will be dangerously left behind in the race. These locked-up endowments, and certainly the grammar schools, are primarily required for them.

This second stage of education is provided for the working classes, so far as they come within its scope at all, in the upper forms of primary schools.

On the much-mooted point of inducing labouring parents to retain their children at school a year or two longer from work, I can only say, that such forbearance from the present premature profit of child-labour will fully repay its sacrifice. In Mr. Boutwell's Massachusetts Report there is this good aphorism :— 'Learning will amply compensate to labour's worth the tax which learning imposes on labour's profits.' A Birmingham manufacturer told me, the other day, that he always found that boys coming from school at fourteen to his works, soon recovered, by superior intelligence, the earnings lost by the delay of two additional years at school. At the same time I must state my conviction that no such postponement of apprenticeship should be forced. If unnaturally induced, it will only displace labour of one sort, and make another redundantly supplied. In the highly-educated Swiss cantons, the law which stipulates for education till the age of fifteen is qualified by a permission to any labourer's child to leave school earlier, on proving his capacity to read and write: and when one hears of the higher age and studies of boys at American schools, as compared with ours, it is a simple deception if one supposes the comparison to be between the same classes of society in each case.

But, for the most part, general education has ceased for the working classes before this second stage begins. Work has commenced; and thenceforth only intermittent, or subsidiary, instruction can be had by short-time systems, night-schools, or mechanics' institutes. Of the first the best I know is Lord Lyttelton's at Hagley, where the alternate intervals of work and school are not regular; but any parent may stipulate for a reserve of any such portions of the day, or week, or year, as he wishes his boy to give to work—the remainder is allowed by the Privy Council to count in hours of school attendance towards capitation grants. Night-schools, so far as they are principally intended for the poorer labourers, are legitimate claimants on the Parliamentary grants in aid. But mechanics' institutes, or colleges of skilled artisans in large towns, are more independent and optional in their character; and, even if night-schools are attached to such institutions, as in three counties only they are, the public purse should not be drawn upon to subsidize them further than by way of prizes, or in the training of their masters. We have seen enough of material pauperism; we must not run a risk of moral pauperism, by breaking down the self-reliant spirit of such institutions amongst the mechanics of this country, and quartering them on public support.

We now proceed to review the earliest or rudimentary stage of education, in which the instruction is much the same for all children. Those of both the upper and middle classes chiefly spend this period of education at home—by far the best place for them. It is the public provision for this stage of education for the working classes that we call technically in this country 'National Education,' being almost the only education which we undertake to subsidize from the national Treasury. Small as this department of education is, it is large in importance, as belonging to the largest numbers of the community. Upon this small fragment of our subject, this lowest step in the first, or rudimentary, stage of education, we make a national outlay of 800,000*l.* a year, rising by increments of about 100,000*l.* in each successive year—and, so far from grudging it, Parliament seems only eager to double the amount if it can well secure its object.

The claims of labour are the paramount subject of all domestic legislation now. Almost all the home questions of the day may be summed up in this one, 'What are the interests and needs of the great mass of the population?'

We alone, of all nations, leave their educational interests, in the first instance, to voluntary undertaking, while Parliament only stimulates or subsidizes the work, when so begun.

The result, however, has been a rapid increase of such im-

proved or subsidized schools, until now nearly one-half children who could reasonably be expected to come wi their walls, are provided for.

The advantages and defects of this system of ours were ably delineated by my successor in office Mr. Lowe, on mo the last education votes.

Of its advantages, the first is, that it has arisen from existing state of things, without disturbing existing feeli availing itself of existing machinery, namely, the great vo tary institutions which occupy the spiritual domain of kingdom.

The second, that it involves as little centralization as p ble, assisting local efforts, and not putting Government for to undertake, direct, or originate.

The third, that it offends no honest prejudice, leaving e religious denomination, recognised in Parliament, to teac own creed.

The fourth, its great stimulating power of rivalry, by w it has raised the standard of education throughout the coun created its own means in pupil teachers; raised a large b of teachers and their status; forced on also private tuiti meanwhile testing its own soundness by continual growth eager competition.

The fifth, that it distributes good instructional work wholesale price.

On the other hand, it has defects, drawbacks more in nature of its principle than its administration; the first, t on the voluntary principle, no action takes place till th who are able are willing to come forward; that is, ther least action where most needed, and *vice versâ*. Seco the necessity of laying down rigid rules, shutting out h cases. Third, that denominational differences become ste typed; trust deeds most strictly drawn becoming a manua dissensions. Fourth, that the whole machinery is multip in duplicate or triplicate, and accounts and corresponde complicated, by the numbers of parallel claimants.

Our question here is—Can legislation diminish any of th defects? Here, at all events, we are on the very anvil of debate. This portion of our subject is itself the creature legislation, and the very topic for legislative amendment research.

Possibly we may learn something from other countri especially from the experience of states as free as ourselv from the New England States, from Canada, and from Holl and Switzerland.

We can learn but little from the *organisé* State system

France, little from even the late Imperial Patent from Vienna, dealing out Austrian reform to Protestant Hungary, little from the Prussian gradation of educational officers, up to a final appeal to the bishops of the State religion. Our tendencies are away from the paternity of governments and the pupilage of peoples. The fact is, our very ideas on the subject are antagonistic to those of autocratic countries. Those states are looking to the past, and seeking to maintain it; we are looking to the future, and striving to prepare for it. We see power passing into the masses of the population, and we see it not only without dismay, but with pleasure, as developing the genius of our nation. We say to them, as far as you are prepared for power, by all means have it; and as far as you are not prepared, so far from impeding you, we make common cause in facilitating your preparation for it.

Autocracies may develope the machinery of national education, but freedom developes its spirit.

There are, however, some hints to be gained from the experience of all.

First, we stand alone in having no element of compulsion in our entire education system from first to last.

In every civilized country, except England, the initiative is imposed by some central power on every defaulting locality. It is worthy of our discussion whether we might not so far borrow from such an universal contrast with ourselves, as not to supersede, but to supplement our voluntary system from the practice of others. Might not our central office, on information of the entire deficiency of school provision in any locality (I fear no uncommon case), give due notice first, and, failing that notice to elicit any voluntary action, say during a period of 12 or 18 months, proceed to call upon the local officers to convene the ratepayers, for the purpose of levying a rate for the provision of at least one school-room, on whatever terms they might by a majority decide, such school afterwards to come within the aid of the Treasury like others?

Another hint we may gain from the universal experience of others, and that is, the necessity, under all circumstances, of a mixture of central with local action in the maintenance of any national system. There is nothing incongruous with freedom, and something essential to success, in central aid. All those American States which are of any example to us, have State funds for the support of education in every township. Their best Reports, for which I am indebted to Mr. Recorder Hill, are careful in publishing, that 'it is not the intention of these funds to relieve towns and parishes from the chief cost of their own education, but only to manifest central interest, give energy and

stability to local institutions, and to keep up communication between the Legislature and schools.' The Massachusetts State fund very beneficially contributes one-half the cost of the local schools. The Connecticut fund, by defraying all, is found to have acted detrimentally. In some Western States the same entire central undertaking is found to have so diminished local interest, as to give loud warning against too liberal public grants. On the other hand, in the absence of central aid, till the very recent revival of education in New England, even a school-system started under every advantage, and with unprecedented vigour, had well nigh languished and died away.

The combination of local zeal and interest with central skill and power, is the problem to be solved for all great and sustained success in national institutions.

The centripetal force no doubt is strong in English national education. The question is, should the centrifugal be strengthened?

The thing feared is the religious *difficulty*, as it is called—rather let us call it the religious *strength* in our way, if we know how to use it.

In Switzerland it is easy to deal with it locally—every canton being in itself univocal, or, at most, duivocal in religion.

Canada has the advantage also of strong religious demarcations, and a colonial training to submit to metropolitan dictation without dispute.

Holland and the New England States eliminate religious distinctions from national education; but their reports are less and less favourable to the result, and England will never imitate them.

We cannot escape our conditions—nor can we change, though we may improve and supplement our system. You cannot teach a free nation as you may wish, but you must follow out their own method. One thing it is satisfactory to know, that, with all the complication of our denominational system, the cost per head of education is not much greater here than in the New England States; and further, that if, in our system, we leave some straggling districts unprovided for, so also do the most perfect systems, which have sacrificed much of our spirit in the perfection of their machinery.

Let us not be for ever discouraging our fellow-countrymen by exaggerated statements of the superiority of others in these respects, and disparaging accounts of ourselves. I have been astonished, in preparing for these debates, by the mass of such misrepresentation presented for my study. The glowing descriptions of American education have first to be restricted to the New England States, and even in their case to the last

few years. Though their peculiar national foundations were thoroughly laid in religion and intelligence, and the high pressure of scarcity of men in a great area of enterprise stimulated their progress, the fair field, so offered and so occupied as it was from the first by an entire scheme of national education, had well nigh relapsed into sterility and deadness, until about the same date when we also re-invigorated our efforts, twenty years ago. Nor is this revival more satisfactory to them than ours to us. Their best reports are full of lamentation over the ill-training and insufficiency of their teachers, the misdirection of their school system and its too materializing tendency, and their supposed need of altogether higher principles in the art of educating character. In the last Canadian report I find complaints of the unfitness of the elected school commissioners in each parish, and a proposal that some test of qualification for the office should be adopted; but a fear expressed lest, for the present, even the test of ability to read and write might be found too high. In the European countries held up for our emulation, every now and then the apparition startles us of some gross superstition, indicating a condition of popular intelligence scarcely credible to English readers. Or, in the hour of constitutional trial, when the practical results of national education are proved, bloodshed and violence betray the deceitfulness of past appearances. Our own progress meanwhile is marked by the milder character assumed by those social struggles which are inseparable from a free community, and which indeed evince its healthiness. We have just now witnessed a protracted struggle, between employers and employed, conducted without violence, and with great efforts of self-control. The appeal at least on both sides has been made to reason and not to passion. The challenge is of scientific principles—whether rightly or wrongly—and in no instance has the mere blind impetuosity of ignorance been given way to. The people of this country have now for many years patiently and peaceably obtained great reforms—as many reforms as a neighbouring country has had revolutions; and even the classes in this country who, by their position, had to make the concession of those reforms, have made them, if slowly, yet always with a good grace. If a tree is to be judged by its fruits, these are not the fruits of an uneducated nation.

General Education . . .	1st Stage.	2nd Stage.	3rd Stage.	
Age	Childhood to 10.	Boyhood to 18.	Youth to 21.	
Instruction	Rudimentary.	Developed.	Finished.	
Upper Class	At Home.	Private and Public Schools.	Universities.	Apprenticeship to Liberal Professions, &c.
		Navy, Army, &c.		
Middle Class.	Home or Elementary Schools.	Commercial or Endowed Grammar Schools.	Apprenticeship to Business, &c.	
		Colleges of Art, Science, Training.		
Labourers' Class . . .	National Schools.	Apprenticeship to Work. Short Time. *Night Schools, &c.*		

Address

BY

RICHARD MONCKTON MILNES, M.P.,

ON THE PUNISHMENT AND REFORMATION OF CRIMINALS.

THE department over which I have been appointed to preside at this, the third meeting of the Association for the Promotion of Social Science, has been entitled that of Punishment and Reformation; two words which to most of you whom I am addressing appear to have a natural and almost necessary connexion. It will, however, be apparent to those who reflect upon this subject seriously and knowingly, that this presumed identity of purpose is but a recent and partial result of a higher and purer system of legislation, and it may not be uninstructive to follow for a few moments this course of thought, and to examine how it is that a combination which seems to us essential to raise the level of public justice above the fierce and even malignant dispositions of human nature, should have been so tardy in its origin, and should be, even now, so limited in its application.

In the early conditions of society, where the instinct of self-defence confers the right of restraint and punishment, it would be unreasonable to look for any impulse or desire beyond that of warding off present evil and of obtaining immediate security. Judge Lynch might find himself very much out of place in our Association, but Social Science could hardly have come into existence without the aid of that venerable personage. I have read somewhere of the difficulties, upon this score, of a settlement in the far West where it was desired to retain the more formal modes of legal procedure, in the trial of two men, accused, one of horse-stealing, the other of murder, and where, when the advocate for the prisoners had induced one of the jury to ride off into the woods, the limited number of the community made it absolutely necessary to place the supposed murderer on the panel to try the accused thief, who, on his own acquittal, took the same position to try, and, of course, to set free, the imputed murderer: a process by which the dignity of

the court was preserved, but the ends of justice scarcely fulfilled. It would perhaps have been better in this case to have adhered to the ruder custom of the country, and to have given to such a jury as could be procured the consultative function which legal antiquaries have presumed that it originally possessed in this country, rather than the high administrative faculty it has exercised in later times.

Nor when in the progress of mankind the public conscience has expressed itself in systems of law, and invested the judicature with a religious reverence, did the relation of the criminal either to his crime or to his judges undergo any considerable change. The spirit of private revenge might indeed be checked, but that of public vindictiveness was recognised and encouraged.

In the old pagan polities, where the parent State was a sacred ideal, absorbing all individual rights and demanding every personal sacrifice, and where such a sentiment prevailed as gave to the city of Rome the attributes and mysterious name of a Divinity, it was inevitable that every criminal should assume the character of a traitor to the commonwealth, and the principle of the indiscriminate extermination of all offenders against the law, of which the Draconian code is the traditional record, is only the extravagance and exaggeration of that civic morality. But Christianity brought with it other views of human nature and other claims of the individual man: judges who believed in the doctrine of the decline of the whole human race from a spiritual state to which no one could be restored except by a divine interposition, would, it might be imagined, regard the malefactor with a compassionate interest, and look upon him as a being more unfortunate than themselves, rather than as one of a different order of creation: while governments, which professed a desire to provide for the salvation of the soul of every individual of the community, could hardly be expected entirely to disregard all means and appliances by which the culprit might be purged of his guilt and restored if possible to moral and spiritual health.

Yet in reviewing the judicial history of nominally Christian countries how few symptoms do we discover of any tendency to regard the criminal as a personality endowed with feelings, passions, instincts, hopes and fears like our own, with a past to be repented of, with a future to be provided for, with a reason to be instructed, and with a conscience to be stirred! Of course all such speculations are superfluous if the whole object of the legislator is to terrify by example, the whole effort of the executive to detect the offender, and the whole duty of the judicature to punish the offence. One of the most logical

consequences of this view of the matter, and most illustrative of its real meaning, was the practice of judicial torture, which you know prevailed in the administration of justice in the most civilized nations of Europe down almost to the time of our immediate ancestors. The use of it in this country was less formal than in others, and of somewhat an extrajudicial character, but the repugnance to it seems rather to have arisen from the arbitrary nature of the infliction, than from any sympathy with the person accused. In France it resisted all the reason and all the wit of the eighteenth century, and only fell, with other abuses, before the great and terrible Revolution. In Spain it took rank with the most revered institutions, and I possess in that language an elaborate 'Defence of Torture and our Ancient Laws.' In Germany, even the code of Maria Theresa contains private directions for every variety of this mode of procedure. The Christian Church saw no anomaly in adapting to its own purposes the processes of the civil tribunals, and in countries in which its authority was most dominant, thoughts as well as facts were submitted to the test of human agony. So agreeable does this practice seem to have become to the pride of authority, and it may be to the latent and unacknowledged cruelty of the human disposition, that I have heard a sagacious legist affirm that he would not trust any present court in England with the power of applying it. The defenders of this method of eliciting truth agree in asserting that it would be an insane sentimentality to allow the mere pain of a sufferer, whether guilty or innocent, to weigh against the injury inflicted on society by the possible impunity of crime. The Roman law, they argued, and all systems founded on it, suppose every prisoner guilty till he proves his innocence, and innocent persons, who have been questioned by torture, must be regarded as accidental accessories of the great purpose of public justice, and even if they perish in the experiment, the example, at least, of the punishment, acts as a warning to others. A zealous advocate of the past, in excusing the fines and torments of the Inquisition, pleads that it was not the Heretic that was racked or burnt, but embodied Heresy that was restrained and destroyed. I readily accept this definition as explanatory of the spirit both of ecclesiastical and civil tribunals. Crime was considered as something to be got at by any means; force and fraud were equally justifiable to track and hunt down the criminal. When a wretch of the name of Marsilius announced the new torture of the 'Florentine Vigil,' which, by the mere privation of sleep, conquered the most obstinate temperaments and broke down the most vigorous constitutions, the discovery was hailed as that of a new weapon in the armoury of truth. Upon the whole, I

doubt whether any merely philanthropic sentiment would ha
been strong enough to have abrogated this horrible custom, h
not the conviction of its deficiency as an instrument of eviden
forced itself upon the minds of philosophic men. It was n
so much what Calas had suffered that roused the humane i
dignation of Voltaire, as the belief that he was the innoce
victim of a deplorable spirit of religious persecution.

Although, then, that sense of the worth of personal libert
which is the main moral impulse of English history, preserved o
judicature from a systematic use of criminal torture, the feroci
of our punishments, and the indiscriminate severity of our law
are sufficient to bar any claim to a superior humanity. If m
were to be terrified into virtue and order, we were never scr
pulous about the means. When an atrocious case of poisoni
excited the public wrath, the criminal was boiled alive in Smit
field, and the ghastly ceremony of execution for treason st
remains on the statute book, an opprobrium to our civilizatio
Whatever was the nature of the offence, the mere fact of i
frequency has been considered as a sufficient reason to visit
with the last penalties of the law; and our century has se
upon the scaffold the man who prevented a horse from runni
at Newmarket—the woman who clutched a handkerchief fro
outside a shop to get bread for her child—and the boy wh
ran off with a pewter-pot suspended on the rails of a Londc
area.

The efforts of Sir Samuel Romilly to put a stop to this kin
of judicial slaughter are within the memory of living men, an
the first President of this Association could relate to you fro
personal experience how they who laboured in that cause we
looked upon as radical innovators, and accused by persons
high in station, and as profound in learning, as Lord Eldon,
sapping the very foundations of society. And, in truth, if suc
reasoners were right in their premises, if mankind are only t
be saved from crime by considerations of suffering, I do nc
know how to controvert the conclusion that fierce and terribl
exhibitions of physical pain are the best deterrents which th
nature of the case admits of. Montesquieu had observed that
low state of public morality had always arisen from the im
punity of crime, and not from moderation in punishment; bu
then he was only a theorist, and chancellors and lawyers wer
practical men.

Consistently, therefore, with such views of Social Scienc
the objects of imprisonment could be no other than secure de
tention and rigid discipline. The brutality of officials, the pri
vations of food and clothing, the cold and the damp, the jail
fever, and even the moral infection, became the conditions of

fatal necessity. To mitigate such evils was to pervert the very essence of the institution, which required that the criminal should be outlawed from the privileges of civil life and the interests of our common humanity. In an 'Address of the unhappy criminals, destitutes and outcasts of mankind, to their country,' printed, I conjecture, at the conclusion of the last century, they are made to speak of themselves as 'aliens without government, without representative, without common interest in the State; without king—corresponding with the world only as felons—subjects only in chains, admonished and instructed only from the bench, as if in mockery, when their doom is fixed—reprehended for what they could not shun, counselled to what they have not the means to perform.' They conclude by imploring for aids to employment, reformation, and self-support, in these emphatic words:—'our fidelity to you will be strengthened by the knowledge that our past condition has given you cause to doubt it, and our experience of the miseries of vice will attach us to virtuous courses more strongly than those who have never yet erred from them.'

Such words, however, must have fallen powerless on the ears of those who accepted these admissions as to the design of the prison and the *status* of the prisoner as indisputable facts. Allow the prison to be a torture-house, admit the criminal to be an outlaw, and the benevolence of Howard must seem a Quixotic and troublesome interference with the providential discipline of mankind, and the mission of Mrs. Fry or Sarah Martin, at the best, the harmless sensibility of an amiable enthusiast.

The disregard of the condition of the prisoner after his discharge was the obvious corollary of these views of his condition under punishment. The progress from the stocks to the scaffold was in the natural order of things: it was a series of prints like Hogarth's 'Dishonest Apprentice;' it was the stale moral of the sermon and the school. Crime was a profession like any other, with its demerits, its dishonours, and its punishments, and while it was a constant source of lamentation that the good and honest course should be so frequently arrested, it never occurred to anybody to check the evil one.

The heavy burden of crime on our national expenses was submitted to uncomplainingly, and as long as no charge of indiscreet indulgence was brought against the functionaries, they were looked upon as well deserving their salaries and emoluments. If galley-slaves had been paraded in our streets as in those of some foreign countries, it is probable that the repugnance of our national feelings against the existence of a servile class of our fellow-creatures would have excited doubts as to the

policy or necessity of maintaining a large convict order of society but the singular facilities which this country has so long en joyed in the transportation of its criminals to the most distan portions of the world, went far to disembarrass our minds o any trouble as to their ultimate destiny. We rarely saw th malefactors at the hulks, and we speedily shovelled off our felon before we had time to care whether they were incorrigible o not. There were stories no doubt of barbarities in New Ho land, which occasionally shocked the sensitive temperamen but, on the other hand, we heard of convicts not only arisin from their fallen condition into respectability and wealth, bu extending and enriching our colonial empire. Who then ev anticipated that the day would come when those very Stat would refuse any longer to relieve the mother-country of th dangerous classes which had so much to do with their ow foundation, and assert pretensions to a social purity at lea equal to her own.

I will not here enter upon the question whether there ha not been something of political and moral pedantry in the pe sistent determination of our Colonies to close to our convic that wide field for their industry and that fair chance for the rehabilitation; but we are now paying the penalty of forme abuses of imperial power, and in all the great antarctic conti nent Western Australia alone remains willing to assist us i the disposal of our criminal population. I was a member o the committee of the House of Commons which investigate the possibility of the establishment of a new penal colony i that portion of the globe, and we were driven to the conclusion that, with this exception, all the power of England could do n more than build prisons which would differ in no respect fron jails in this country, except in the circumstances of their dis tance and their seclusion. Norfolk Island had all the advan tage that these conditions could secure, but it is now aban doned, leaving a tradition of unspeakable miseries and crime which the philanthropy of Captain Maconochie could hardl mitigate, and which has been revived to public notice by th sufferings of Mr. Barber. By the removal of places of confine ment to remote localities cost is largely increased, the supe vision of administration diminished, and the great object of th absorption of the discharged criminal into society no wa advanced. The historical and political coincidences whic brought about a social constitution, where the penal element though a large, became a constantly diminishing proportion o the population, and where the liberated prisoner became th progenitor of the free-born and untainted colonist, have no ceased to exist; and it is both unstatesmanlike and unmanly t

waste our time in useless regrets for the past, instead of realising the facts of our present relation to the criminal classes, and examining whether we may not so improve our penal administration at home as to make amends, at least in some degree, for the advantages we have lost.

Now, if the effect of the discontinuance of transportation has been to awaken the legislature, the administration, and the public of this country to a due sense of the worth of the reformatory treatment of prisoners, both youthful and adult, to give to the man who has worked out his penalty the reasonable hope of a restoration to honest life, and, in the case of the parents of convicted children, to place the responsibility of guilt on the heads on which it should justly rest, if, I say, these are the results of the cessation of a great national convenience, I am by no means certain that in the end we shall not be decided gainers by the change. Call it philanthropy, or sentimentality, or what you will, you could as soon introduce into our procedure that very practice of judicial torture which custom and sophism had so long made habitual to the civilized world, as you could inflict punishments which would seriously affect the evil-disposed by the mere action of nervous terror; a morbid sympathy for the criminal on the part of the public would be the only result of such an experiment, as we have lately seen manifested in the comparatively moderate application of military chastisement. The statistics of continual recommittals have proved the death-warrant of the system of violence and neglect which prevailed in our jails, even after a humane and more decorous treatment had been adopted in many prisons of the Continent and United States. Our security of life and property, therefore, now depends upon the success with which we can act upon the moral nature and conscience of those who have transgressed the law, and upon the channels of industry and paths of restoration we can keep open to those who have undergone its penalties.

I trust that it will not be held to be disrespectful to the arguments in favour of any reformatory scheme, drawn from the proportion of those who are believed to have been saved by it, if I state, that I look upon the reformatory treatment as alone just and wise, independent of any results whatever. It hardly becomes me to insist upon the sacred words which mankind, at least by their practice, appear to regard as a Scriptural paradox, that to the sight of the Ruler of the Universe repentance is more grateful than, perhaps, untempted virtue; but I would rather take that lower ground to which we owe the progressive culture of later times, the permanence of modern nations, the abolition of European slavery, the representative system of political

life, and the freedom of religious opinion, namely, the recog tion of the worth of the individual man.

We have lately read in the American accounts of their ce bration of the great National Festival of the fourth of Ju the Day of Independence, that the inmates of the pris had their share in the ceremony, and made speeches in whi the national feeling was curiously intermingled with the c sciousness of their peculiar position. To us there would se in this something grotesque, certainly something extra gant; but I cannot forget, that to that country we owe t first and boldest experiments of the Separate System, t very foundation of reformatory discipline; and I see son thing to respect in this very exaggeration of the civic li spanning, as it were, the breach between society and t transgressor. Those who have acted on the notion that t criminal by his guilt has not forfeited for ever his personal a social relations, that his identity is not to be merged and lost a lower and degraded existence, but that there remains abo him something to be tended and nurtured into good, somethi to be recast and recovered—these men have a right to assu that they have still fellow-citizens in their jails, who would n necessarily be insensible to their obligations towards th countrymen or their country. The sense of political freedo in any people should be eminently favourable to a humane a hopeful prison discipline: where public life is most high estimated, and its privileges most widely extended, there shou be the greater repugnance to pronounce that sentence of ci death which is involved in the condemnation of any fello creature to a continuous existence of alternate crime a punishment.

It is the main feature of the Separate System, that while i greater or less success depends upon the power and the ta with which the functionaries of the prison can appeal to t better nature of each individual convict, the seclusion its breaks the chain of guilty association, deprives the culprit that sense of community which encourages and palliates much of evil, and places him face to face with his conscien and his destiny. The mere solitude of incarceration is n novelty in the administration of justice or injustice; it has t often been the worst expedient of ferocity and tyranny; you ca see dungeons in Pomfret Castle in which only one man cou lie; and you can visit the little casemate in Magdeburg whic is dignified by the recollections of Baron Trenck and his spide friend. Such solitude, maddening to many, enervating to al has nothing in common with the isolation which is the onl possible atmosphere of moral and religious influences. I d not know that I shall have a more suitable occasion to spea

of a class of men on whose administrations so much of the success of any discipline depends; and two of the most eminent of whom have been the urgent advocates of the indispensableness of the separate system: I allude to the chaplains of prisons, to Mr. Field of Reading, and to Mr. Clay of Preston. To the memory of the latter name I would wish to pay a tribute of unfeigned respect. Let me recommend to you a little memoir of him, published in the Irish *Quarterly Review*, and written by the accomplished daughter of the veteran Reformer, Mr. Matthew Davenport Hill. There you will see Mr. Clay's whole life divided between two objects—the acquisition and the cultivation of this great field of national utility. He fulfilled the hard condition of that branch of the public service which only allots a decent competence to those who have laboured for thirty-six years, and he died of his work. I can hardly mourn for any life exhausted in so good a cause; but I would suggest to those who administer the stipends and remunerations of public employment, whether it is advisable to require that the best energies of such men should be entirely spent without recompense; and whether it is creditable to any nation or national Church, that such exertions and sacrifices should pass unrecognised. I may also mention that I, this year, was the means of representing to the Secretary of the Home Department the unfairness of the present restrictions on the retiring pensions of the governors of our prisons, and I trust that they may be placed on a more satisfactory footing.

I am well aware that the aspect and management of our model prisons has not escaped the censure of those who draw an obnoxious contrast between the apparent comfort, sufficiency of food, general order, and comparative well-being of the inmates of those walls, and the privation, squalidity, and contest for subsistence, of the very same classes who have not fallen under the penalties of the law. But upon this point I am ready to take issue even with that austere moralist, the earnestness of whose purpose, and the antique vigour of whose pen have had more effect on the mind of this nation than any other living philosopher can claim—Thomas Carlyle—if I could only get him to apprehend and allow the realities and the necessities of the case. I am convinced that the very advantages which so strike the casual visitor have no attraction whatever for the ordinary criminal, or that, just in so far as they become agreeable to him, we may assume that the better influences are getting dominion over his nature. To say that he likes regularity of life, constant labour, reasonable counsel, cleanliness and order, is to say, in other words, that with a fair chance of obtaining these, you have laid the foundation of a good character. I have lately read, in the Journal of that intelligent traveller,

Mr. Senior, his account of his visit to that wild prison, t
Bagnio of Constantinople; and he gives the impression o
companion, who says, 'If I were to be in a prison, I thinl
should select this; no attempt is made to tease you by imposi
silence, or regular hours, or cleanliness; you are chained, l
you are idle; you have coffee, tobacco, and the pleasant co
versation of rascals as great as yourself.' And so it is with t
malefactors of any country; and I little doubt that ours wo
consider the licensed blackguardism and rowdy violence of
old jails as a clear compensation for much that seems to M
Carlyle to make a Paradise for crime.

And, after all, has not the scheme of righteous vindictiven
had its fair trial? Where was there a legislation more stern,
a penal dispensation less considerate of the convict than
own? Where has the breach of the laws been visited witl
harsher or more enduring sentence of public opinion? And
can any one conclude, from such evidence as is before us, tl
even our present reformatory discipline, limited and imperf
as it is, has not reduced the number of delinquents in p
portion to the population very much below what it must h
been in former times, supposing that we had not had the ev
open outlet of transportation. Nor must the fact be suppress
that we do apply to those who are guilty of graver or repeat
crimes a form of penal servitude which has every advanta
which could have resulted from the old detention in the hull
without its brutality and contamination. Would our censo
desire to see in our ports the hopeless and reckless galley-sla
of Brest or Toulon, those social monsters, who are the subjec
of so much panic and romance to our continental neighbour
There is not a step in our amended discipline that is not t
result of practical observation; and we draw our reformato
principles from no puddle of 'sentimentality,' but from the cle
well-spring of common sense.

It is now some time since the panic regarding convicts hol
ing tickets-of-leave was at its height. It was in truth the fir
sensible impression on the public mind of the discontinuance
transportation, and was as unjust and as indiscriminating
affections of that nature usually are: for it included all perso
who had completed their sentences of imprisonment, as well
those whose terms of detention had been lessened in cons
quence of their good conduct during confinement. Indeed
was difficult to see how the general fear was to be allayed b
any measure short of the perpetual incarceration of all th
criminals whom our colonies now refuse to receive. I hav
almost wished that this terror had been more lasting, for no
only would the possible conversion of our legal offenders int

honest men have been forced upon the public attention as a happy alternative, but advantage would gladly have been taken of all those means of transition between the prison and the outer world which are now left entirely to the intelligent benevolence of individuals. In the Committee of the House of Commons which met in consequence of the popular apprehension, and which gave a death-blow to all possible hopes of a return to a general system of transportation, I strongly urged the importance of some intermediate condition between the discipline and privations of the prison, and the temptations and licence of the open world. But it was maintained that the duty of the State terminated the moment the door of the jail closed upon the convict, and if I remember right, your late member, Mr. Denison, and Mr. Adderley alone supported my resolution. And it is also to the governor of a Yorkshire House of Correction, Mr. Shepherd of Wakefield, that we owe the first and most successful experiment of a refuge for discharged convicts attached to the prison. I hope that any strangers who may be present will avail themselves of any opportunity they may have of visiting that establishment. It is nearly, if not altogether, self-supporting, but it is only fair to add that the cocoa-nut mat manufacture, which is the main occupation of the inmates, is peculiarly favourable to remunerative employment. It seems to me also advantageous that a certain number of unconvicted persons who are out of work are admitted on the same conditions as the released criminals, and give the institution an aspect of more general charity. I have neither time nor inclination for mere praise of other voluntary labourers in the same cause. If I mention Mr. Bowyer, it is only because his 'Preventive and Reformatory Institution' is a proof of what a man of active and continuous occupation in the business of life, and with no especial means or facilities, may effect by the exercise of philanthropic genius. It was with some difficulty that this moral sanatorium was brought within the limits assigned to the grants of the Privy Council, but I am sure that it would be a far wiser economy of the public money, so to widen those regulations as to admit such an establishment as this without demur, rather than to run the chance of its falling to the ground for want of assistance. There is, indeed, one Adult Reformatory which has received not only pecuniary support from the State, but what is far more important, both the genial countenance and persistent care of the highest representative of constituted authority. You who were present at the Liverpool meeting of this Association will anticipate that I allude to the combined work of Captain Crofton and Lord Carlisle: the whole of that system, and its results, was so

fully detailed on that occasion, that I need only refer you to the fifth Report of the Directors of the Convict Prisons in Ireland, where you will find that its prosperity is unabated, that above two thousand prisoners have been subjected to the intermediate system in that country—that, of above a thousand liberated on licence, it has been only necessary to revoke fifty-nine, not six per cent., twenty-one of these having been for irregularities of conduct not criminal, while with regard to offenders discharged unconditionally during the last three years, out of seven hundred only eight have again been recommitted, a most impressive fact, when contrasted with the old regular fluctuations of crime and punishment.

There can be no stronger proof of the determination of former legists and administrators in this country to keep apart the notions of punishment and reformation, than that they carried this principle beyond the frontier of moral responsibility, and inflicted the punishment where guilt was impossible, I allude to the treatment of criminal children. The very conjunction of these words has something ludicrous about it. The lawyers actually made a Latin maxim on the point, and when the moralist said that the infant being incapable of crime towards God was of necessity innocent before men, they answered, *Malitia supplet ætatem*, which, if applied to the malice of the law, was true enough, but in any other sense most cruelly absurd. Men, however, had got so accustomed to the sight, that a certain number of children seemed a necessary part of the family of a jail; and the child who had been transferred to that gloomy household was sure enough never to leave it for long during his usually short existence. The prison became his national school and his civic home; he was a recognised pensioner of the State, and a much more costly one than many who had spent their lives in their country's service.

When two independent members of Parliament, in the year 1849, introduced a bill to alter this state of things, it was received by the practical men of the day as a presumptuous and speculative piece of amateur legislation. The notion of making the parents responsible for the children's breaches of the law was deemed worse than foolish—it was a dangerous innovation. The Secretary of State pooh-poohed the bill; even the present President of the Association for Social Science declined to support it, and it was consigned to the limbo of such projects as an Act for Incorporating a Company to navigate the Air, which, however, really did pass the House of Commons much about the same time.

But there were other men behind who would not let this

good thing be put quietly by: there were Mr. Sydney Turner, Mr. Bowyer, Mr. Baker, Mr. Adderley, and many others, each working in his own sphere and by his own example, till the Legislature followed in the track of public opinion, and the reformatory treatment of childhood and youth became an unchallenged principle of criminal administration, and the arguments in its favour not truths, but truisms. Perhaps the most powerful instrument of this change, however, was the success of M. Demetz at Mettray, and it has taken some time for us to understand how much of the system of Mettray we can safely adopt, and how much we must consider only applicable to French ideas and French character. We have now learnt that we must not confound the proper encouragements to industry and honesty with the incessant culture of the love of approbation, which is so essential to the contentment of our neighbours. In an English Reformatory, as in an English army, the main impulse of life must be a clear sense of duty, and a strong conviction that the right thing is the best thing to be done, and not the desire even for that 'glory' which has been well defined as 'deified vanity.' There is no need to go into the opposite extreme, and to substitute plum-cake for a 'table of honour;' but the rewards should be given for work done, and the prizes awarded as the natural result of trust restored and character recovered.

This and the other main features of reformatory discipline are now so familiar to you that I need hardly mention them. Out-of-door labour, as remunerative and self-supporting as possible; personal supervision of one master over a limited number of lads, from 20 to 40; plain and earnest religious teaching, and the careful development of the natural affectionateness of childhood, without sentimentality or indulgence; these are the recognised objects which every Reformatory desires to obtain. I was very glad to see at Red-Hill the addition of the military element in the person of Sergeant Holman, one of the heroic defenders of Lucknow, who seemed to manœuvre his little company to his own satisfaction as well as theirs. Now, as the military and naval services seem to me the very best destination for these youths, I hope this example will be imitated; and I must express my annoyance and surprise that the *Akbar*, the Reformatory ship at Liverpool, is not fully supplied with inmates, who would be a most serviceable portion of that force of sea-boys which a late Commission has so strongly recommended. I would also suggest that these employments are free from all the difficulties which beset the engagement of boys from Reformatories in domestic service, where candour is difficult, where temptation is strong,

and where success can always be made to seem an advantage gained over the steadfast and the unsuspected. I never wish to see a boy from a Reformatory in an exceptional position: he should fall into the mass of men subsisting on the honest labour of the day—dependent on their own exertions, and not on benevolence and patronage of any kind: in such a sphere he will live without envy, and his past will be forgotten, and if by chance he does rise in life, there will be no suspicion in the minds even of the sternest critics that he has owed his elevation to his faults or his weakness. With this reservation I am inclined to regard our work as one of formation rather than reformation, of prevention rather than cure. Give the child the child's punishment, and then see what is best to be done with him. You may generally consider the offence which has brought the child under the action of the law, as nothing more than an indication of the circumstances and influences that have surrounded it, and sometimes of its own peculiar temperament. The hundred children in any Reformatory are hardly distinguishable from the other hundreds left in the courts and alleys of our great towns, and you should not be content till you can by education and moral care so raise your hundred above those who are neglected and deserted, that the chances of one of your boys falling into crime should be less than that of any of those whom the law has never touched, but whom you have never saved. But though I or you individually may attach no sense of legal guilt to the little pilferer of old iron or cake, or handkerchiefs or apples, yet it would be eminently dangerous that the whole matter should be taken out of judicial supervision, as has been proposed by some excellent persons, and transferred to the domain of public education. It must remain within the reach of justice, although lying on its border, and if the procedure is summary, the punishment immediate and puerile, and the educational advantage of the Reformatory balanced by the legal obligation of the parents, you can safely meet the charge of a 'premium on crime,' but hardly otherwise. I attach so much importance to the parents' payments, that I regret to remark that, in many cases, the present system of relief to the poor operates as an impediment to their collection; where small sums are given to outdoor paupers, it is assumed that they are unable to assist in the maintenance of their children who have been consigned to a Reformatory, and when they are summoned for a contribution the case is at once dismissed. For my own part, I think that in all such instances a proportion of the expense should be levied on the parish, which should have the power of recovering from the parent.

There is also a pressing necessity for a general penal school,

whether at Parkhurst or elsewhere matters little. No child under fourteen should be sent to any prison where it could possibly come into communication with adult malefactors, and even then the *status* of a prison life for a child should be avoided as much as possible. But in the present imperfect, local, and voluntary action of the Reformatory principle, it is essential that there should be some place of confinement for the graver cases of youthful offence where a suitable discipline might be applied. Such a house of correction is also required to receive the repeated runaways from open Reformatories, and to be held *in terrorem* over refractory pupils—although the power of transferring the children to a severer probation must be used with great discretion, and not for the mere purpose of getting rid of a troublesome inmate.

I had at one time intended to have drawn your attention to an aspect of this question which cannot be much longer delayed. You will have to make up your minds whether the time has not come when this Reformation of youthful offenders should pass from its present hybrid condition of private charity and Government interference into the regular and uniform administration of the State. Such a decision will require mature deliberation, will involve many sacrifices of what is dearest to philanthropic minds, a sense of doing good, and will be only satisfactory when it becomes the result of a converted and elevated public opinion. But, on reflection, it has appeared to me that this matter is too large to be treated incidentally, and will not suffer from being deferred to a future occasion.

I have said little immediately on the subject of the Prevention of Crime, because, in its larger sense, it seems to me rather to belong to the sections of Education and Jurisprudence than to ours. You have but to cast your eye down the statistics of our jails to comprehend the relation of crime to ignorance. The test is somewhat rudely applied, and may be occasionally eluded, but the plain fact stands out, I believe, unchallenged. I will not touch on those finer affinities of our nature, which, in the mass of mankind, render it impossible to elevate the intellect without stimulating the conscience; but I would refer to the more patent and natural causes which place the man, comparatively ignorant, in any society at a disadvantage, and thus expose him to the temptations of want and disappointment. A totally uneducated man is a creature without tools or arms among others provided and equipped with the instruments of social life, and thus, as it were, devoted to degradation. It is a main function of the reformatory treatment in some degree to remedy this injustice, and redress the balance by the education in the prison, and in so far as the reforma-

tory discipline enables a man or a child to remain honest after the expiration of his sentence, it is the most effective preventive check to crime that has been devised. And, in fact, a reformatory system must be content to be judged as more or less effective just in proportion as it fulfils this simple requirement, that its subjects should not again offend against the law. I am as conscious as any one of the imperfection of this test as a condition of the higher morality, but I do not see how the means of prison reformation can justly aim at anything more. If you have fully impressed your convicts with the certainty that, in the long-run, crime is a losing game, that, whatever be their misdirected energy, or whatever their perverted talents, society in the end will be too strong for them; that the day must soon come when the spurious excitement and the reckless courage will fail, and that they will be thrown aside, miserable wrecks of humanity, you will have done much for the welfare of mankind, even though you have fallen far short of the loftiest motives and most sacred principles.

There is another preventive of crime which I cannot omit, although I may seem to be wanting in entire sympathy with its most meritorious advocates. I mean the advocates of voluntary or enforced abstinence in the consumption of fermented liquors. Now of voluntary abstinence I can speak with nothing but respect. I may not think the principle of action the very highest a man can attain. I may think the man who is habitually and unvaryingly temperate in the use of beer or wine no worse than the man who admits neither to his table; but I in nowise deny the use of total abstinence as a remedy for excess; nor can I undervalue the effort of will, which, while it liberates a man from the incubus of a vicious appetite, by its very exercise makes him capable of better things. Within the limits of this discussion I cannot enter into an elaborate argument on the vexed question of enforced temperance, but I think it my duty to throw out some suggestions which appear to me left out of sight by the supporters of such measures, and which I conceive it to be your duty to keep in mind. First of all, you must remember that it has been little the habit of the British people or legislature to regulate the vicious propensities of our nature —we have rarely undertaken the police of licentiousness—we have limited the action of law in these matters to disturbances of public order. Our licensing system is in its origin a means of taxation, and not a social restriction. We have always left the citizen to face the temptations of society as he chose, provided he did not trouble his neighbour nor injure anybody's property. We have also carefully, and I think most wisely, in a constitutional state, been slow to give effect to the wishes or views of

any majority over those of the minority in this country. On this point our political system has stood out in most advantageous contrast to the theories of the Continent: we have respected the tastes, feelings, and habits of minorities, and not compelled them to be good according to our own notions of virtue. Therefore, if you could prove that the connexion between drunkenness and crime was all that it is supposed to be, it does not necessarily follow that the minority should be coerced into adopting the remedy. It appears to me however, to be asserted without sufficient foundation, that the crime of any country is mainly dependent on the consumption of intoxicating drinks, and that the higher morality of mankind mainly depends on abstinence from this gratification. We find this desire general through all the known peoples of the world; and seeking for its satisfaction in one form or other. But the founder of the religion which is the life-guidance of 150,000,000 of men, absolutely forbade the use of all fermented liquors; and, with the exception of the licence of the great, this is the habit of the whole Eastern World. Now, I am not prepared to say that this religious sobriety has, in itself, been of so much and so good effect over the minds of those nations as to induce me to believe that, sober as they are, their general moral standard is higher than that of our Christian population, afflicted as they are with intemperate habits. I think, too, that those who attach an exclusive importance to this subject, hardly consider how powerful an ally they have in the retributive laws of nature, and the normal condition of society. The crapulous rich man may only suffer by a headache or indigestion, but the drunken artisan suffers in employment and in character. I want no legislative enactment to tell an intelligent workman that his drunken habits are ruining himself and those that should be dear to him. You can scarce give him a severer punishment than his natural destiny. If he does not feel this already, no imprisonment will teach it him. Nor am I certain that the crimes against society are in any positive degree attributable to drunkenness. The Irish people were till late years conspicuous for their want of sobriety, and yet there was no country in the world with so few offences against property. Intoxication is rather the parent of disorder than of dishonesty. Assaults, violence, rowdiness, are the effects of drunkenness, but the graver and baser forms of guilt are the products of sober and deliberate vice. In the population among which I live, deeply as I mourn over the frequent abuse of liquor, sadly as I see it affecting the nature of honest men—I cannot say that it appears to me necessarily connected with crime, in the sense of which this section takes cognizance. And in the masses of our

great towns, I think it by no means established that, supposi the other conditions to remain the same, you would be justifi in believing that crime is the sole offspring of the unreason drink, and that without that stimulus, an honest condition of l would be the necessary result. To the more wretched and de perate of these classes, drink is food, and drink is forgetfulne and I cannot suppose that the peace of society would be mo secure if those dangerous classes clearly contemplated t desolation of their existence than it is now in their torpid a emasculated condition. I feel, however, that whatever we do this matter, we must do it fairly between all these classes: y must not leave me and my Lord Brougham our claret and o sherry, and in the words of the old song,

Rob the poor man of his beer.

You must not allow to *us* all the comforts and socialities of li and deprive the artisan of the locality which is his club and l *soirée*, and that before you have built him a decent house to to, or taught his wife to dress his supper. Beware of t patronizing benevolence which would debar the working class from all gaiety of heart and manners, except such as your r finement of taste may appreciate, and rather endeavour to rai their standard of pleasure than restrict their present enjo ments. The very magnitude of the apparent evil is the measu of the appetite, and in the face of the laborious and auste lives of our people, I, at least, am not prepared to support a Act of Parliament, which, though it might seem to check t abuse, would foment a most dangerous spirit of national di content, and inevitably promote a vicious reaction similar that which followed the morose legislation of our Puritan for fathers.

These considerations, however, have nothing to do with discreet revision of the present Licensing Act, which appea to give general dissatisfaction, especially in the North England. A distinguished member of Parliament, whose nan is not unknown in these parts, and who represents a class men whom I should be glad to see more numerous in the Hou of Commons—viz., men of high education and intelligenc whose wealth is derived from commercial sources, but wl themselves have time for the occupations of public life—M Gaythorne Hardy, brought the matter before the House wi an ability and force which will not easily be forgotten. A a question of police, the present operation of the Act is avowed imperfect; and although you will see that I could not atta to it all the importance that some of you do in its bearin upon crime, I should willingly co-operate in its improvemen

especially with a view to prevent the frequent evasions of its penal provisions.

To turn to a more grateful topic, let me allude to the drinking fountains already established in most of our cities, stimulated by the example of Liverpool and the benevolence of Mr. Melly. It is impossible to over-estimate their value to public morality and individual comfort. Indeed, the benefit is so clear, that it seems to me to come imperatively within the range of the necessities of a civilized community; and now, once started by private energy and good sense, it becomes every municipality to take it up and see that it is methodically extended. Surely this should not be left to chances of casual charity any more than the cleansing of your cesspools or the removal of your graveyards.

In another department of the prevention of crime, the establishment of a police which can secure its rapid detection and conviction, I do not know that I have more to say than to congratulate the West Riding of Yorkshire on its possession, at last, of a force of this description. You have now an efficient protection to life and property, organized under the superintendence of a most active and sensible officer, and all you have to do is to assist him to the utmost in the discovery of crime and the defence of public order.

True, the fear has been expressed by many sagacious persons, that recent discoveries in science may tend both to the facilities of the commission of crime and to the difficulties of its detection. I do not fear these consequences—nay, more, I perceive a secret police in these very instructions of nature. I see, that if the murderer escapes by the express railway train, the telegraph arms justice against him, and captures him as he descends from the carriage: if the ready means of transport convey the infamous betrayer of private trust to the antipodes, there, by the same means and with the same speed, the avenger pursues, and he is seized in the midst of his fraudulent prosperity, and brought home again in sorrow and in shame: if the refinement of chemical knowledge reveals the mysterious operation of deadly drugs, the increased skill of the analyst follows and confounds the poisoner, and sometimes even disturbs with its nicety the certainty of judicial decision. Let us only add to these wonderful advances of our knowledge an equal penetration into the occult recesses of the human heart, and an equally fine manipulation of the discrepancies of human character; let us learn to prevent crime by education, and reform it in punishment, and our age will be no less famous for its victories over the moral than over the material world.

Address

BY THE

RIGHT HON. W. COWPER, M.P.,

ON PUBLIC HEALTH.

IN some of the other sections into which our Social Science divided it has been found somewhat difficult to keep t subjects within the limits of a scientific treatment; but in t Public Health Section we can urge less excuse for failure in tl respect, since we have to deal with the physical laws of natu and to consider how the arrangements of society, the occu tions of the people, municipal regulations, and Acts of Parl ment, may be so directed as to secure obedience to those lav and to avoid the penalties consequent on breaking them. It no small help to me, in presiding over this department, to ha the support of so many of those who have taken the earliest a most prominent part in instructing the public mind up matters relating to the public health. I am assisted by I Southwood Smith, who first expounded clearly the connexi between the prevalence of fever and the absence of drainag and who for so many years has devoted the energies of l benevolent mind to the exposition of sanitary truth; by M Edwin Chadwick, whose elaborate and detailed reports form the lever by which the public mind was first moved sanitary action; by Mr. Simon, whose admirable reports to t City of London showed what was to be done and how to do and furnished models for such documents; by Dr. Farr, who magical mastery over figures in analysing, combining, and a stracting them, has popularized statistics, and invested them wi a living interest; and by our President, the Earl of Shaftesbu who directed the Board of Health during the cholera epidem with that sagacity and self-denying zeal by which he has set bright example in so many branches of practical benevolen Health being a gift of nature, is often taken as a matter course, but, like other such gifts, it will fly away if not careful guarded; and the public health of a large modern town requir for its preservation almost the labours of Hercules. Man's li is a struggle, and the very existence of his body is the result

an unceasing contest between destructive and repairing influences. At every breath he exhales, at every action of muscles and nerves, a portion of his substance wastes away and is cast off, and at every breath that is drawn in and every mouthful that is digested that waste is repaired and that loss is supplied. The forces of nature must be directed by his skill, lest they injure, instead of serving him. He must never rest in his unceasing struggle to overcome the tendency he finds in everything around him to get into a wrong place. Even cleanliness, the most obvious of simple duties, is the result of the never-ending removal of impurities from places they defile to their proper receptacle, and the cleanliness most important to health is just that which is least regarded—cleanliness of the air that is breathed. The most refined persons, who would indignantly refuse to enter a room with soiled walls, and muddy floor, and dirty company, sit complacently in ball-rooms and theatres where every one is breathing impure air, soiled with the fumes of gas or wax candles, and with other pernicious exhalations. The impurities in which they are steeped are disregarded because they are not visible, and people who are most particular about the materials of their dinner cannot spare a thought for what they are breathing; and yet one is no less important than the other. The accurate fitting of modern houses leaves few crevices for the passage of air, and builders are well satisfied when they have prevented any escape of air, except up the chimney. But the law of expansion by heat has provided that vitiated breath shall rise towards the great ocean of air rolling for a height of 50 miles above us, in which all impurities are lost by dilution; but our impervious ceilings stop the intended ascent, and drive down the cooled carbonic acid gas to be again inhaled with injurious result. But a hole in the ceiling and a hole in the wall, permitting the natural movement of air, makes nature our friend again, instead of our enemy; and if we take the precaution of admitting the external air by a channel passing round the back of the fireplace our current of air flows in warm, instead of cold. But cleanliness in the atmosphere of towns is not so easily obtainable. From tall chimneys and short chimneys, from furnaces and chemical works, from sinks and gullyholes, from backyards and middens, from gutters and laystalls, innumerable pollutions are continually pouring. Nature has provided against all these defilements of the air, if we will but investigate her laws and take the trouble of obeying them. The smoke that shrouds our great towns in perpetual gloom is a result of carelessness, for opaque smoke is but ill-burnt coal escaping prematurely from the furnace in which economy as well as cleanliness requires it to be consumed. Some chemical

works may be carried on without the diffusion of any dele
rious products in the air; and those manufactures which a
necessarily noxious must be banished to the suburbs. T
ordinary refuse of towns must not be permitted to accumula
A little consideration will make this clear. Every animal a
vegetable is nourished by assimilating to its own use particl
of the material substances, such as air, water, and food, whi
are continually circulating through its organism; but by
general law the substance which has been so used is render
unfit for a repetition of the same use until it has been deco
posed and has entered into a new combination. Care is the
fore required to hasten and render harmless the decompositi
of the refuse which might accumulate near the habitations
animals and men. Nature is fond of moving in circles, and t
elements which rose out of the earth for the nourishment
plants, and thence nourished animals, and thence nourished me
will, if restored directly to the earth, afford nourishment a
fertilization to the soil whence they proceeded, while, if allow
to wander in the air, they will exercise a poisonous influenc
So also water brought from rivers or wells for distributi
through a town should, after passing through the house
complete its sanitary course by washing the refuse into t
earth, and ultimately regain its original purity by pe
colating into the river or spring. At Rugby and
Watford this law of nature is strictly observed; an app
ratus of pipes and hose conveys the liquid sewage fro
the streets to the farm, which it irrigates with profit. B
in the case of large towns, where the drains carry away a gre
bulk of water and of gravel from the surface drainage, and the
are no fields requiring irrigation, this natural method is ina
plicable. The most tempting arrangement is the simple di
charge of the whole sewage into the nearest river, and the
outrages against the purity of rivers that ought to be the pri
and pleasure of towns are everywhere attempted to be pe
petrated. The Thames, being the thoroughfare of litera
as well as business men, and having on its banks, withi
reach of every whiff of odour, the Houses of Parliamen
has found competent defenders, and has by Act of Pa
liament been declared exempt from the filthy task of receivi
the contents of the sewers, and is hereafter to become a riv
again, instead of a gigantic drain. But the Medlock
Manchester, the Trent, the upper stream of the Thames, a
numberless other rivers and streams whose waters are turbi
with this ignoble use, still want defenders, and the rule h
yet to be established that the cleansing of streets and houses
not to be secured at the e e pollution of rivers. T

necessity which the Metropolitan Board of Works believe to exist of casting into the sea, at enormous expense, that which, if separated from the water and gravel with which it is mixed, would fertilize half a county, is discreditable to the mechanical and chemical skill of the nation; but I am still in hopes that so wasteful and clumsy a proceeding may be rendered unnecessary, and that, if the attention of competent persons be drawn to so important a matter, means of deodorization will before long be discovered by which those salutary processes which the soil is adapted by nature to produce will be artificially attained without too much inconvenience or undue cost. Sanitary science is still in its infancy, for, though rules for health were inculcated as long ago as the times of Moses and of Hippocrates, yet it is only within a few years that discoveries in chemistry, improvements in mechanics, and the collection of vital statistics have enabled this subject to be treated scientifically. It is not very long since men became aware that the air we breathe is as much a material substance as the food we eat and the water we drink, consisting of the same elements in different combinations, and equally capable of conveying poisons. The recent discovery of ozone, and the slight knowledge we yet possess of its presence or absence, is an indication of how much has still to be learned about the composition of the air. A deeper acquaintance with the processes of decomposition and fermentation is greatly desired. The microscope is revealing regions as astounding and as interesting as any that the telescope can unfold. Not only is it useful in tracing the hidden incitements to disease, but it is winning its way to the witness-box. Every purchaser of eatables that may be adulterated—and into what articles of food has not perverse and dishonest ingenuity introduced some amount of adulteration?—ought to have within reach some analyst to whom he might refer for an authoritative decision on the genuineness of the articles offered for sale. I don't care much about penalties if only fraudulent admixtures could be exposed. Let the public know from authority that the Cayenne pepper sold at a particular shop is coloured with red lead, and the green pickles with copper; that the loaf, which to the naked eye seems made of the best and purest wheat flour, owes its whiteness to the alum, which gives a fine appearance to damaged and innutritious flour; and that the beer which seems so strong has been diluted with water, then strengthened with narcotic drugs and salted, so as to aggravate the thirst it seems to quench, and the public may safely be left to itself. When the snare becomes visible to the bird, the fowler will have but an empty bag; and, if the purchaser could be enabled to see with the eyes of the analyst, enough

would have been done for his protection. Some invigorating and manly exercises are needful for the health and recreation of men who are employed in sedentary or monotonous occupations. Gymnastic grounds have been established at Primrose-hill and Victoria Park, and also in Liverpool by the munificence of an individual. The pastimes of races, running in sacks, and dancing, which are being revived at harvest homes and similar gatherings, show that the universal taste for trials of strength and for humorous games is not wanting even to this grave generation; and the success which has attended the revival of old English sports at Wenlock, under the name of Olympian games, is very encouraging. The training of Volunteer Riflemen rewards their patriotism by the healthfulness of an exercise particularly beneficial to the sedentary. Every town should have its parks, where the population may disport themselves on holidays and Sundays, and get health as well as recreation from enjoyment of the beauties of nature. It cannot be expected that many towns will receive gifts as noble as that which was conferred on Halifax by Mr. Crossley, on Derby by Mr. Strutt, and on Birmingham by Mr. Adderley; but even where no voluntary contributions are forthcoming, every town may secure a park for itself by the imposition of a moderate rate to repay the loan by which the land is purchased.

Comprehensive and at the same time minute records of the number and causes of sickness and death are absolutely necessary for a sure and steady advance on this subject. The official supply of statistics, which is quite accurate as to numbers, is at present insufficient for our purpose. The registration districts are not set out with any view to produce vital statistics, but simply follow the subdivisions required for Poor Law relief. They are not coincident with the limits of any sanitary jurisdiction, and do not separate people according to the conditions or occupations we desire to compare; so that in local or detailed inquiries the Registrar-General's Reports will often not avail. An improvement in the registration of the causes of death is urgently needed. From information gratuitously supplied by the medical officers of the health of the metropolis, it need not be directed by the Superintendent-Registrar of Marriages, but should be placed as far as possible in the hands of medical men. We want a registration of sicknesses that do not terminate fatally. The easiness with which this might be procured is shown by the weekly publication of illnesses occurring in the public establishments of the metropolis, which was, while I was in that department, published by the General Board of Health. In public hospitals the cases of disease should be carefully recorded, with their fatal or other terminations. But though the returns of mortality are not as

complete as might be desired, yet, under the able interpretation of Dr. Farr, they give us broad and intelligible results. In fixing the aim to which we should direct our efforts it is desirable to ascertain as far as we can the proportion of the annual mortality which is preventible by means within our reach. It is estimated that if all the population were living in healthy condition, and life were only terminated by natural decay, the ordinary age at which men and women would depart would be 80. But the mean duration of life in England is 46 years. In seeking the standard of longevity which is practicably attainable, it is important to know that in 64 out of 628 registration districts the average annual death-rate is less than 17 in 1000 persons living. These districts are salubrious in their natural features, and their population, amounting to 1,000,000, are chiefly employed in agriculture; but, on the other hand, the cottages are exposed to many of the evils that we most denounce; they are not model districts, but they are districts from which the chief evils we are seeking to remove are absent, and they furnish a fair practical standard of what is possible to attain. While, then, persons die at the rate of 17 in 1000 in these standard districts, above 22 in 1000 die on the average of all England, and 36 in the worst urban district; and as 419,815 persons died in 1857, if the mortality of the rest of England had been no greater than it was in these 64 districts, 91,652 lives would have been preserved in that year. England has been divided by the Registrar-General into two classes of registration districts of about equal populations, one consisting mainly of urban and the other of rural inhabitants, and it is found that the rural death-rate reaches only 22 in 1000, while the urban is 26. The facts we possess at present support the theory that unhealthiness prevails in proportion to the density of population; but this, like other branches of the subject, requires elucidation. An examination of the soils on which epidemics mostly prevail would, I believe, lead to some remarkable conclusions, for the different influence exercised over certain diseases by clay and gravel soils has been too much overlooked. But the light we now possess is sufficient to prove the startling fact, that in England alone a hecatomb of victims, at least 100,000 of our people, are being annually sacrificed to ignorance or disregard of the laws of health, and that, in addition to these 100,000 deaths, far more than a million of persons are suffering from serious illness from the same cause. For the more complete confirmation of this fact we require that the total mortality should be separated and distinguished according to the diseases by which it is occasioned. An important contribution to this knowledge has been made by Dr. Greenhow. He has extracted from the general returns the mortality occur-

ring from diseases which prevail under those evil conditi
life which are most within the power of the commu
remove. These are—1, typhoid fever; 2, diarrhœal di
3, pulmonary affections; 4, contagious diseases of ch
consisting of scarlatina, measles, and hooping-cough;
the nervous diseases of infants. On comparing the mo
of districts at the top and bottom of the scale of he
appears that the difference between them is nearly eq
that mortality which occurs exclusively from the five cla
disease thus selected:—

AVERAGE MORTALITY TO 1000 LIVING MALES, ESTIMATE
THE 7 YEARS 1848 TO 1854.

	Total.	More preventable Diseases.	Excl those
In selected rural districts ...	16·40 ...	... 5·36 ...	... 1
England and Wales	23·67 ...	... 12·48 ...	... 1
London	27·40 ...	... 16·46 ...	... 1
Birmingham	28·52 ...	... 16·94 ...	... 1
Hull	31·61 ...	... 18·82 ...	... 1
Leeds	32·71 ...	... 20·93 ...	... 1
Manchester	34·87 ...	... 22·12 ...	... 1
Liverpool District	38·14 ...	... 25·52 ...	... 1

From which it appears that if the excessive mortality from
more preventable diseases could be reduced everywhere
amount which is found in these selected rural districts, o
the deaths in England would be prevented, and two-thi
the deaths in the district at the bottom of the scale. I
no one will deny that the prevalence and fatality of the
classes of disease could be checked by the energetic emplo
of comprehensive sanitary measures. Typhoid fever l
home in ill-drained places, and requires for an ally some
rity in the air. It never springs up in the well-arranged
of the wealthy, though it sometimes invades them by me
contagion. The nature and locomotion of the cholera
has not yet been discovered, but all experience shows th
amid the decomposition of organic substances can it de
its crushing power and acquire its full virulence. This
notoriously the case with its kindred diseases, diarrho
dysentery. A large proportion of fatal pulmonary di
arise from persons working in overheated or too dry work
and from inhaling dust, fluff, or other aërial impurities.
death-rates of young children afford an instructive test o
tary circumstances, allowing for the different demands up
time and attention of the mothers in different places.
sensitive and delicate frames of very young children show
directly the influences of their dwellings than the more ha
and resisting constitutions of adults. It is naturally foun
where most deaths of infants are recorded there also are
weakly and scrofulous children, who drag on a debil

existence, and perpetuate a race deficient in stamina and vigour both of body and mind. In Mr. Simon's Report to the Board of Health in 1858 it is stated that every year more than 23,000 children under 5 years of age die of inflammation of the respiratory organs, besides nearly 4000 whose deaths are attributed to phthisis; and these 27,000 deaths are so unequally distributed that the corresponding death-rate, in proportion to the infantine population, ranges from 213 in the healthiest district of England to 2897 in the unhealthiest. The acute non-infectious diseases, which hold their chief sway in towns, and especially in large manufacturing towns, destroy annually 72,000 young children, and the death-rate they produce in one urban district is seven times as great as in the most healthy rural districts. And if we make a much broader comparison, and compare the average taken from the 2,500,000 who occupy the north-western counties with that from the 4,000,000 who occupy the south-eastern portion of England, we find the infantile death-rate from these disorders in the north-western counties to be about 2½ times as high as throughout the south-eastern counties. In considering this preventable mortality of infants, we may distinguish that which arises from such causes as the poverty of the parents, and from work which takes mothers away from their homes, leaving their infants without proper nursing, while the cries of those infants for food and change of posture are quieted by opiates, so prized in manufacturing towns for the calm they produce, though it is only a prelude to the deeper calm of the tomb, to which they are hastening the child; but after deductions have been made under this head, the remaining mortality preventable by sanitary measures is quite sufficient to afford a safe test of the want of proper sanitary conditions. But statistical records tell us not only of the fearful penalty we are paying in the lives and comfort of our people by the breach of sanitary laws, but also of the lives that have been saved and the strength that has been preserved by the practical application of sanitary science. Returns from 19 towns in which drainage works have been executed under the Public Health Act show that the mortality, which previous to those sanitary measures averaged 28 in 1000, fell after them to 21 in 1000; and as these towns contained a population of 468,000, the saving amounted to 3200 lives annually. Croydon is one of the most instructive cases. Tubular drainage was adopted there at a moment when the controversy respecting that system was raging, and grave mistakes having been made in the application of the plan, Croydon became a battle-field for the contending parties. Commissioners inquired, heavy Blue-books were published, and all the circumstances of the

place have been minutely investigated and recorded. Dr. Carpenter gave, at our meeting last year, a summary of the results, showing Croydon to be one of the healthiest towns in the kingdom. Notwithstanding an imperfection which still exists in the outfall of the drains, the cleansing of the town, the rapid removal of the sewage, and the supply of pure water have diminished the zymotic diseases to such an extent that the death-rate, which in 1848 was 28·16, was in the first half of the present year only 15·75, and, comparing the mean of five years before the works came into complete action, and that of five years after, the death-rate is found to have fallen from 28 to 22·9—an annual saving of 196 lives. The outlay, too, has been compensated by such corresponding diminution of expense that the total amount paid in rates is only 4*s.* 11*d.*, while the average of other neighbouring towns is 5*s.* 9*d.* Bradford furnishes a striking example of improvement, with a rapidly increasing population. The death-rate, which, on the average of five years previous to 1853, was 28½, has been reduced on the average of the last five years to 22 in 1000. Liverpool, about which much controversy has been excited, owing to the different boundaries included in different calculations, has obtained a reduction of the death-rate of the municipal area from 39 to 27 in 1000 by the expenditure of 860,000*l.* The exercise of the powers of the Public Health Act has produced the following striking results. In Gloucester the death-rate has been reduced from 27·60, on the average of four years ending 1843, to 19·71 in 1858. In Berwick from 28·5 to 21·7, and in Alnwick from 35·2 to 28·3. In Macclesfield the average death-rate for the five years preceding the commencement of sanitary administration was 33 in 1000 (while at the same time and for the same period a rural district of 17 townships immediately surrounding the borough produced a death-rate of only 16 in 1000), and the average death-rate for the five years during which sanitary measures have been in operation was only 26 in 1000. This implies a saving of 1015 lives. The saving of funeral expenses arising from this reduction of mortality, calculated from the returns of 232 burial clubs, amounts to 8729*l.* Zymotic diseases have decreased at the rate of 27 per cent.: 28,420 cases of sickness have been prevented, and if the cost of these cases be rightly estimated according to the data furnished by benefit societies at 1*s.* a day for 20 days, 28,420*l.* has thus been saved. The average duration of life within the borough has been lengthened by three years, for the average age of all who died in the former period was 24 and in the latter 27. The death-rates of large towns are influenced by such various and fluctuating circumstances that they afford

only broad approximations to the conclusions we wish to attain; but in the accurate and well-understood records of public establishments we find safe materials for the construction of sanitary standards. In Combe's work on Physiology it is stated that 100 years ago, when the pauper infants of London were received in workhouses, and brought up amid impure air and with unwholesome treatment, not above 1 in 24 lived to be a year old; so that out of 2800 received into them, 2690 died; but when the conditions of health came to be better understood, an Act of Parliament was obtained obliging the parish officers to send the infants to the country; and this frightful mortality was reduced to 450, instead of upwards of 2000. The large establishment for pauper children at Norwood used a few years ago to be ravaged by epidemics, and to suffer a high rate of average mortality. The sanitary arrangements that have been adopted have reduced the average death-rate to 20 in 1000, which is one-third or one-half of what prevails among the classes from whom they are drawn who have not the benefit, as it is in this instance, of becoming paupers, and neither typhoid fever nor measles have ever originated in the new building. In the district school of the Stepney Union the death-rate has fallen to 17 in 1000. The military school at Chelsea affords a striking example of the results of sanitary improvements. Dr. Balfour improved the ventilation, apportioned the diet more judiciously, and secured opportunities for cold bathing; and by such measures has succeeded in reducing the mortality, which on an average of 10 years had been 9·5 per 1000, to 4·8 per 1000 on an average of eight years, and the number reported unfit for military service from strumous and other diseases has been reduced from an average of 12·4 to 4·6 per 1000. Prisons afford perhaps the clearest proof of the results of sanitary care. The best medical directions are strictly enforced, and, notwithstanding the depression of mind from confinement and consciousness of guilt, the effects of careful diet and ventilation and beneficial exercise are such as to raise the average exemption from disease to a much higher point than prevails among persons of the same class in the enjoyment of their freedom. The annual report of the Brixton prison says that, though the needlewomen of the City of London died in 1857 at the annual rate of 34 in 1000, the female prisoners in this prison, who were healthy on their admission, died during the same period at the annual rate of 13·6 in 1000, and in 1858 at the rate of 8 in 1000. In Pentonville prison the death-rate is only one-third of what it is among the same class at the same ages in large towns.

But statistics, clearly as they speak to the mind, do not reach the heart, and draw no tear from the eye. One personal visit to the single room with stained walls and sickening smells, where a whole family swarm for bare shelter, inhaling sickliness at every breath, drinking green and stagnant water, and swallowing damaged food, will stir up a more fierce and indignant desire to come to the rescue and do battle on their behalf than the largest array of incontrovertible figures. We want the acknowledgment both by law and custom of a higher standard of the necessaries of life. The Poor Law protects life, by offering to every one in the land who needs it necessary food; but as yet the necessity of protecting life from the influence of poisonous dwellings has not practically been acknowledged. The principle is in the statute-book. The Nuisances Removal Act prohibits the occupation of dwellings certified by authority to be unfit for human habitation, but the standard of unfitness is variously estimated. Formerly underground cellars were considered to be all that was absolutely necessary for the habitation of the poor. In Liverpool a large portion of the poorer sort lived under ground; but their Local Act of 1846 enacted a higher standard; and there, as in many other towns, the law will not allow even those who in their blindness may desire it to live in so injurious a manner. But, to our grief and shame be it spoken, thousands of our fellow-subjects, both in villages and towns, are actually at the present moment living in rooms which, according to any proper standard of wholesomeness, self-respect, and decency, are utterly unfit for the habitation of civilized Christians. I am confident there is no way in which so extensive, rapid, and certain a benefit can be conferred upon the poor as by the improvement of their dwellings. Think only of the difference on the whole moral being between a mere resting-place for one's degradation, a refuge obscure enough to hide the blush of shame at entering it, and a decent dwelling, which, however humble and unadorned, has yet the honest gratification and the blessed and peaceful associations connected with a home. The family life is a strong safeguard of virtue, but its efficacy is gone, and its sweetness turns to bitterness when it has to be carried on in the hideous den of a back slum. The evils which are shortening the days, enfeebling the vigour, and destroying the comfort of our people are deeply rooted and widely spreading, but need not discourage those who are in earnest to uproot them. We see our way, we know the means, we only want courage and perseverance to employ them. We want co-operating action in the different spheres of individual influence, local government, and general politics. Individuals of education and leisure should explain the laws of health to

their less-educated neighbours. Those who are in the habit of visiting the poor can be very useful by supplying whitewash and brushes, so that these may cleanse their own rooms without the dreaded necessity of calling in the plasterer. They may suggest modes of ventilation, and afford guidance in the selection of economical and nutritious diet, and in simple and appropriate cookery.* In the useful details of domestic hygiene women are the best teachers, and it is gratifying to know that in London female visitors are disseminating such physical instruction at the same time that they are teaching the Bible. The rudiments of physiology, and anatomy, and hygiology ought to form part of education, particularly in girls' schools; for until wives, mothers, and servant-maids understand the rules of health, and something of their meaning, our object can never be accomplished. Many things which appear trifling in themselves are, in this point of view, of great importance. It is provoking, for instance, to see the prejudice with which people adhere to old clumsy fire-grates which give out a *minimum* of heat with a *maximum* expenditure of fuel. Dr. Arnott has bestowed on the public a valuable improvement, and the experiments on that and other newly-invented grates, which are recorded in a Blue-book of 1857, on Warming and Ventilation, might with great advantage be extended. Warmth is an important condition of health, and it is only by our deficiency in mechanical skill in the arrangements of our dwellings that warmth has so often to be sacrificed to the ventilation of the apartment.

It is very recently that it has generally been admitted that for the proper government of a town its authorities must be armed with sanitary powers. The common law promises redress for chemical as well as mechanical injuries, and will prescribe the abatement of everything that can be proved to be a nuisance. But as the cleanliness of a town requires co-operation, the ruling body must take the direction. If government be maintained for the protection of persons and property from breaches of the law, why may it not protect from breaches of sanitary laws the lives of those subject to its authority, and health, which is the capital and stock in trade of the labourer? The local authority must in all towns be charged with jurisdiction over the air, and be responsible for preventing its purity from being unnecessarily defiled. The expenses of a Local Act have become unnecessary, and the ample powers of the first Public Health Act and the Local Government Act may be adopted without expense, and to such an extent only as may be suitable to the circumstances of the place. One of the

* In the *Sanitary Household Wants*, published by Jarrold, the necessary information is pointedly stated.

greatest advantages of the last-mentioned Act is the facility it affords for altering the boundary of municipal government in conformity with the extension and contraction of the area over which the jurisdiction ought to extend. The law is no longer in fault, but I am sorry to say the administration of the law often is. If the good that is to be accomplished by sanitary administration could be better understood and more widely appreciated, benevolence and the noble ambition of taking care of the vital interests of the poor would bring forth candidates for town councils and local boards where the disregard of such results now leaves the field uncontested to such low motives as notoriety, personal interest, or the mistaken economy of saving the rates rather than the poor. Scarcely any performance of duty is more worthy of respect than that of a man who loves not municipal contests or parish debates, but submits to much that is repugnant to his tastes for the great purpose of preserving the lives and health of his fellow-citizens. The chief stumbling-block in the way of improvement is the superficial and ignorant view so often taken of economy. Rates that are paid are very palpable, but rates that are saved require faith to discern. But it is easy to demonstrate to any one who will listen that the refusal of rates for effective drainage and water supply is as extravagant in finance as it is heartless in feeling. If health be not protected by the local rate, the want of it will draw on the poor-rate. Sickness breaks upon the independence of those whose wages only suffice for their support in health; and when an epidemic has forced a man to receive parish relief, he returns to the same resource with less repugnance on slighter occasions. Fevers are known to spend their greatest virulence on men in the prime of life, and the extravagance of permitting widows and orphans to become chargeable on others is as great as allowing the loss of strong and skilled workmen. Dr. Farr has estimated the money value to the nation of an agricultural labourer, at the age of 25, at 246*l.* 7*s.*, that being the net worth of his future wages after deducting the estimated cost of his necessary maintenance; and his figures prove, what common sense would not question or deny, that it is as profitable to the public purse as it is consonant to every other human interest to execute the dictates of natural laws for the preservation of life. It seems to me an evidence of the backwardness of our civilization that sanitary subjects have so little place in general politics. And it is remarkable that the working classes should never have been made to see how greatly these matters affect their interests. Many agitations have been set on foot among them which have come to nought, because not founded on what the rest of the community have admitted to be wisdom and

justice. But there is an agitation which I believe would be successful—an agitation for the essentials of a healthy existence. A cry for a new charter might succeed, and certainly would not be treated with disdain, if the five points of that new charter were to be pure air, pure water, good drainage, unadulterated food, and open spaces for exercise. Such a cry as this would rally together all those who, however they may differ in party politics, are agreed respecting the brotherhood of a common humanity, and whose heart's desire is to see no one wanting the simple necessaries of a healthy life. Hitherto calamity only has been able to rouse the public to a sense of the importance of this subject. The losses of our army in the Crimea awakened the military authorities to the necessities of consulting sanitary commissioners. During the two years and a quarter that the campaign lasted, out of an army of which the average strength was 34,500, 20,800 died from all causes; but of these deaths only 5000 occurred in action or from wounds inflicted by the enemy. Two-thirds of the whole mortality arose from other causes more destructive than shot, bullet, or bayonet. An equal number of men of the same ages would, according to the average death-rate of the more healthy districts of England, have suffered a loss of only 610 in lieu of 20,000. The astounding discovery that the picked men of the army, the most favoured regiments, were dying at a greater rate than the most neglected classes of the community, was required before the ignorant and barbarous customs of barrack life could be remedied. The periodical approaches of cholera aroused attention to precautions which have saved thousands from other less rapid but more constant diseases. But it becomes a wise nation not to wait for panics, but to make timely and scientific preparations against every invasion, whether of diseases or more visible foes. The health of the people ought to arrest more of the attention of rulers, if it were only that a good digestion and healthy feelings promote content, while the lean and bilious Cassiuses must excite apprehension in those who stand round Cæsar's throne. The present is a time when we may expect to secure the attention of the public. The great questions in agitation are hardly sufficient to occupy men's minds, or even to supply the ammunition for party warfare; and it may be seriously questioned whether the discussions about the distribution of political power, the adjustment of taxation, and the extension of commerce, important as they are, are likely to lead to a greater increase of the national welfare than the improvements under discussion here in the social condition of the people. That improvement, to be real, must extend to the three great parts of our earthly nature—the moral, the intel-

lectual, and the physical. The three cannot be separated. It is in vain that schools and institutes lead towards a higher tone of thought and feeling, if they are to be counteracted by repulsive homes, in which the atmosphere is so debilitating as to impart even to women a craving to get from strong drink the stimulus which nature is there prevented from supplying. And now I come to the part which should devolve upon the Queen's Government in the general effort for the sanitary improvement of the people. There are some who would exclude this altogether from the functions of Government, just as there are some who contend that the Government is the only body in the country that should be debarred from promoting education or the teaching of religion. But voluntaryism in pestilence and plague has not yet been erected into a conscientious doctrine, nor have the opponents of compulsory cleanliness declared themselves to be the party for dirt; but they have found a cry, a matter of the first importance in such controversies. Their cry is 'No centralization;' and they declare that, if the Administration at Whitehall is to have any authority to protect health, the sacred principle of self-government is evaded and England will be centralized. Now, I feel as strongly as any one that centralization, in its proper meaning, is repugnant to British notions, and ought to be utterly repudiated. It exists in France, where the local authorities are nominated from the capital, and have to act under directions from the Minister of the Interior; but the utmost that we have in England is a sort of central supervision, as in the instance of the Poor Law Board, which is authorized to compel observance of the law by the boards of guardians, and to take cognizance of failures or breaches of their duty, and in the inspection of factories, coal-mines, and prisons. The central action, which is in accordance with our Constitution, and which might be advantageously extended, is that which renders the responsibility of the local governments a reality; which, by skilled inspection and official reports, secures publicity to their conduct; and only intervenes when the powers of the local authority are grossly neglected or flagrantly abused. For some years we had a distinct sanitary department of the Government represented in Parliament, but it had no power that could be called centralizing, in the obnoxious use of that term. It is true it attempted to guide and to teach, but it had no vocation to coerce. It collected the experience of particular places where experiments had been made, for general information; it published reports on the most pressing and difficult sanitary questions; and its advice was sought from all parts of the country on legal, medical, and engineering difficulties. It aimed at becoming the brain of the sanitary body, diffusing energy and guidance through every

limb; but it never assumed the pretension of becoming arms or legs, and of substituting its own action for any other. The powers of the General Board of Health were, doubtless, too limited, and it was taunted with having so little to do. This taunt might have led to the extension of its powers to larger spheres of usefulness, had not its opponents succeeded in its destruction. But out of its ashes rose a phœnix which may hereafter take a higher flight. The council office is charged with the consideration of public health. The medical officer of the Board of Health has become the medical officer of the Privy Council, and has to watch any extraordinary epidemic or excessive amount of fatal disease which may require inspection and report. While Mr. Simon holds that important office its full benefits will be secured. By his luminous report on vaccination he dispelled the doubts and suspicions of the efficacy of that practice which were lurking even in educated minds, and has laid a foundation on which may safely be rested the justification of more effective measures for the abolition of smallpox. But if any one should persist in asserting that the Government has no call to meddle in this matter, I ask what notion of government have they formed to exclude it from all consideration of 100,000 premature and preventable deaths, and of above 1,000,000 serious preventable illnesses, and of the moral as well as physical degradation and misery that ensues? The State has a direct interest in guarding against a deterioration of our race. The English workman is the best in the world; the British soldier has never crossed bayonets with his equal; but the crowding of the population in large towns without efficient sanitary provisions, and the want of prudent regulations in many occupations, have an undoubted tendency to enfeeble our people. Improvements in steam navigation are providing floating bridges for the transport of troops, and are diminishing the inaccessibility of our island. We must expect that, whenever a war breaks out, we shall be exposed to the risk which every Continental country has endured—a struggle for life or death with a foreign invader on our own soil; and our national glory, and possibly our national existence, may depend on the undiminished vigour and boldness of our men. I can have no apprehension about the result; but I wish you to keep in mind that the physical strength, the healthy frames, and the contentment of the people are no slight elements of our national greatness; and I am confident that in the enlightenment and right feeling of the present generation we shall find a hearty response when we declare that the public health is of fundamental importance, and demands the co-operation of every one who can give a helping hand in every class from the lowest to the highest in the land.

Address

BY

SIR JAMES KAY SHUTTLEWORTH, BART.,

ON THE PROGRESS OF CIVILIZATION IN ENGLAND.

THE first impressions of nature derived from our brief experience leave a deep sense of its stability. From youth to age we gaze on the eternal hills and observe no change. The level of the ocean remains the same. Day succeeds to night, the seasons follow in their regular order, and if there be any variety of temperature, of the amount of rain, or in other atmospheric phenomena, minute observation tends to establish a cyclical succession. Even the utmost reach of traditional or written history confirms primarily this profound conviction of the stability of the order of nature. It is true that some of the works of man—temples, churches, and towns—have been submerged, in some cases, by the subsidence of the coast, demonstrable by physical proofs. But neither these facts nor the action of volcanic forces burying towns in mud or lava—nor earthquakes shaking cities into ruins—nor of deposits of silt in deltas leaving ports far from the shore—nor the more recondite proofs of the steady rise of certain coasts within the period when men's works have left proofs of their existence—fail to shake the confidence in that stability which our personal experience shows to be in the main undisturbed.

Yet when we come to examine with care the material history of the world, that which in our ephemeral life is thus stable is proved to be undergoing perpetual flux. Science gradually accumulates proofs that strata of vast thickness have been deposited from a superincumbent ocean, in periods of time to be measured only by siderial cycles, of which the return of comets with the remotest nodes would be but as minutes. These mountain peaks, bleaching without visible change during generations of men and revolutions of empires, have been uplifted from the bottom of oceans, or have been thrust by volcanic throes from chasms in which the rocks were liquid with the central heat. Islands covered with the bread-fruit tree, which stud the Pacific,

have grown from its depths by the labours of an insignificant insect, which has constructed rocks capable of braving the fiercest surge. Vast masses of limestone consist solely of animalcular shells of exquisite forms and delicacy. The carbonic acid now forming part of these rocks, and the carbon chiefly constituting the masses of coal accumulated in the carboniferous series of strata, have been separated from the air, by animal and vegetable organisms, in a lapse of time which the imagination strives in vain to grasp. Equally vain is the effort at present to realize the condition of the earth in these successive periods, marked by changes of stratification, of animal and vegetable life.

At one time the earth has been covered with great muddy lagoons, with a tropical vegetation, and monstrous creatures basking on their shores in an atmosphere filled with hot vapours.

At another, vast glaciers have ploughed the ravines of mountains, and huge icebergs have transported blocks of stone from shore to shore. The forces which caused these phenomena are shown by science to be still in operation, and the scheme of catastrophic eras suddenly transforming the face of nature is daily more and more discountenanced by the progress of inquiry.

Our idea, therefore, of the stability of the earth is not founded on the absence of change; but on the fact that this change is for the most part so gradual, as to be consistent with order. Instead of living in a world in which the creative and regenerative force has exhausted its cycle of changes, we learn slowly to conceive that our ephemeral race is witnessing and gradually recording part of the history of one era of that beneficent design of which this earth is the theatre.

While we cannot refuse the proof that herds of hippopotami, tigers, elephants, and other tropical animals are buried in the drift of Abbeville and Amiens, in the caves of Sicily and of Devonshire, we are astonished by the idea that England and Europe may have been separated from Africa by the submergence of land now forming the floor of the Channel and of the Mediterranean, without any catastrophe causing the extinction of these and other races of living animals.

Into this conception enters a new idea of the lapse of time. How stable must nature have been, if the country round Lake Ontario has undergone no marked change of surface, while the deep bed of the Niagara River has been excavated through the rocky table land for so many miles.

Palæontologists give us indisputable proofs of the existence, not simply of an archetypal design in the structure of animals from the remotest periods of time, but of the persistence even of species through ages marked by memorable revolutions in

the structure and inhabitants of this earth. In like manner the most superficial observation proves to us, that some portions of our race have undergone no appreciable change since the earliest authentic records of primæval history. The patriarchal life described in Genesis is precisely that of the Kirgish tribes visited by Mr. Atkinson. The Negro race are exactly portrayed in the paintings on the Egyptian monuments in the reign of Thotmes III., fifteen centuries before the Christian era. The Arab of the desert is still the son of Ishmael. Even among our own European civilization the Jew and the Gipsy remain apart and unchanged.

The material history of the world is marked by successive eras, each distinguished by the molecular structure of its rocks and the remains of animal life which they contain. As we rise from the primary strata in which no traces of animal life have been found, we pass under review the evidences of marvellous though gradual changes in the condition of the earth, of its atmosphere and temperature, accompanied as a general rule by the appearance of the higher forms of animal life. Throughout these successive steps of progress, the proofs of one harmonious design appear, especially in the preservation of one type of structure, which the palæontologist traces through all its homologies to its most perfect form in man.

We cannot, as in the more recent history of nations, define the condition of the air, the range of temperature, the limits of the ocean, and the solid earth in their relations to the animal life of each era, though profound and interesting speculations are not wanting on each of these subjects; nor can we identify the forces which caused the change from one class of rocks to another stratification.

But as in the appearance of the successive forms of animal life there is irrefragable proof of design, approaching in ages a more perfect structure, so doubtless the future discoveries of science will tend to show, that, as each era of stratification was more compatible with the existence of the higher forms of life, so this succession of the strata has been determined by a harmonious chain of causation, preparing the earth for the habitation of man.

The history of nations exhibits analogous phenomena. To confine our necessarily brief survey to our own country, we have in its progress, in like manner as in nature, successive eras of development. Each era is marked by the operation of some new force on our domestic and social habits, internal organization, civil or religious polity—all tending to produce that form of civilization which we now enjoy. Before the invasion of Cæsar the southern part of England had pro-

bably made as much progress in civilization as the Gauls. The Britons maintained a considerable commercial intercourse with the coast of Gaul. They had discovered and worked some of the metals, and the commerce of Cornwall had from a very early period a connexion even with Phœnicia. They were, therefore, much raised above merely savage life. The Druids as a priesthood had probably quite as much learning as the Roman augurs. The resistance of the Britons to the Roman legions, the vigour with which they even assaulted the Roman camps, the successive insurrections by which they disputed the Roman power, their war-cars armed with scythes, the remains of their camps—all prove that South Britain was inhabited by a race which had within itself the germs of civilization. At the same time a large part of the country was in a condition of forest and morass; there were few roads deserving the name; probably no walled towns; the fastnesses of the Britons were almost impregnable by the depth of forests and bogs in which they were secluded—the abatis, fence, ditch, or rampart by which they were surrounded; and the difficulties of the Roman army consisted as much in a conquest of nature as in a struggle with the valour, stratagems, surprises, and wiles of a fierce race inhabiting a wild country with the resources of which they were familiar. With this invasion ceased the British power in the greater part of England in the century before the Christian era.

The first step in the succeeding 2000 years is the Roman occupation of England for 400 years. We read the characteristics of this Roman dominion (according to Ptolemy) in 56 walled towns, some of which still exist; in the ruins of theatres, villas, baths, and other public or private buildings now found in the neighbourhood of many towns, and giving proofs of the introduction of the arts and luxury of the Empire; in many military roads, penetrating the primæval forests and leading from camp to camp and town to town; in the supremacy of law and order over the disputes and raids of tribes; and in the foundation of municipalities, though these, on the withdrawal of the Roman power as one of the signs of the decay of the Empire, probably left little trace in our customs. The arts, the literature, the law of Rome penetrated to the cities which it founded, and they became centres from which the civilization of the masters of the world even in that corrupt age tended to diffuse itself. These influences were not all of a transient character. The Roman law never entirely perished, but survived in some degree in the subsequent periods of fluctuation, metamorphosed doubtless by other influences, but entering into the common law and the civil polity of the country after the Roman domination ceased, from the fifth to the fifteenth century. Less by these

traditions than by subsequent revival, we derive, especially from Greece and Rome, the principle on which all philosophy and all liberty rest, the freedom of human thought as the great creative power from which spring all new developments. They left us also the type of the beautiful in nature and art, which survived all the neglect of the Middle Ages, and reappeared in the works of modern civilization.

The great eras in the history of mankind resemble the geological in this, that while they are attended with the introduction of new forms of life and organization, they are destructive to a large extent of those which preceded them. As the tide of Roman civilization, art, and law receded from Great Britain, it was succeeded by a period of mingled colonization and conquest by the northern European tribes of the Saxons and Danes. This era of Teutonic occupation, extending without more than transient disturbance over 700 years, has had a more marked influence than any other on the race, the local institutions, and the social organization of England. The Saxons and Danes, following the centres of Roman organization from seats of military power, penetrated the forests, destroying, expelling, or taking captive and making slaves of their barbarous occupants, slowly subduing nature and taming man.

Their first great gift was to introduce into the corrupted mass of social life throughout the Roman Empire the idea of the individual dignity of man as the member of a family. This prepared them to become the founders of enduring Christian states. The authority of the father in the household and over its branches and dependents was the centre whence the rudiment of our civil state evolved.

Cæsar declares that the divisions of the land took place according to families or relationships *cognationes*. The idea of freedom rather than equality; the love and the capacity of association and self-government in each fragment of the community; the right of each freeman to a voice in this government either personally or by representation; these are among the gifts which the Saxons made to our civilization, in the place of the walled towns which they destroyed—the arts which they could neither imitate nor replace—and the philosophic law of which they retained at first only a traditional influence.* The

* In the *mark*, or *march*, we have the germ of the parish, with its powers of separate self-government; and, at the time of the Norman conquest, the parishes in England were about the same in number as at the commencement of the present century. The hundred, which probably had not a strictly territorial origin, has retained its boundaries from an early Saxon date. The Gá, or Scír, became the shire or county; and, though these last have undergone much change in extent, the names of many counties, as well as of most parishes, can be traced to a very early period. These divisions had each their separate courts of justice or parliaments, their judges and executive officers.

territorial organization of the country not only had its origin but consolidated almost into its present form during their rule.

In the *folkmót* and the witenagemót we have the germ of our national representative institutions. The Witan had a consultative voice—they deliberated on new laws, which were promulgated by their own and the king's authority—they made treaties and alliances—they even deposed kings—jointly with the king they could levy taxes, appoint prelates to vacant sees, could make grants of land, and were a supreme court of justice in civil and criminal causes. The Saxon *burhs*, or towns, had a far less fierce struggle for their municipal privileges, with the authority of the lord, the bishop, or the king, than the Continental cities. The right of self-government seems to have been more easily transferred with the tithing and hundred to the *burh*, and the Saxon institution displaced the Roman. Yet, notwithstanding the persistence of some types of the Roman civilization, and the germs of a sound domestic and social constitution implanted by the Saxons, the struggles with the Danes, the petty wars of the separate Saxon kingdoms, and the right of feud which made every man the avenger of his own wrongs, covered England with blood. The right of feud continued through the whole Saxon period, mitigated by the successive laws which defined, and as far as possible limited, its sphere. The *Wergyld*, or life price, was the basis on which all peaceful settlement of feud was established, and the law contained a tariff of the life of men of different conditions. So now we prosecute our own wrongs in the civil courts, and receive compensation assessed by a jury even for domestic injuries, whose chief mischief is a moral wrong.

The mass of the labourers in every craft, and of the herdsmen and tillers of the soil in the Saxon era, had no political or social rights. They could be bought and sold. They were *adscripti glebæ*, and conveyed with it under the comprehensive phrase 'mid mete and mid mannum.' They received, like the beasts of burthen, food and lodging for their toil; but they were absolutely in the 'mund,' that is, under the protection and power of their master, who might kill them at his pleasure. They were reduced to this form of slavery either as captives in war (and thus it is thought a large part of the ancient British population were held in thraldom) or as a consequence of marriage with a serf, of settlement among a servile population, of crime, by surrender, or superior legal power, or by oppression.* The modern system of tenancy seems to have

* Slavery was inherited by children. "On an estate' serfs discharged the functions of ploughmen, shepherd, goatherd, swineherd, oxherd, and cowherd, barnman, sower, hayward, woodward, dairymaid, beadle, or messenger: while the geneát, cotsetla, gebúr, beócere, and gafolswán, were probably poor freemen, from whom

had its origin in the leases for life, or the shorter periods called 'læ'an,' or loan. We have thus in the Saxon era some of the constituent elements of English society more or less defined—in the 'theoves,' or serfs, the labourers and handicraftsmen in a condition of thraldom; in the 'ceorls,' churls, or villeins, a class destined ultimately to emancipate themselves from the condition of villenage to that of an independent yeomanry; in the free men, the free occupants of the læ'an land, the types of our present free labourers and tenantry; in the thanes of marks and lords of hundreds, one form of that English rural gentry which struggled for existence with the Norman power, and partially survived.

The mission of St. Augustine in the sixth century occurred at a time when the forms of Saxon civilization had prepared the country for the dawn of Christianity. The Christian missionaries were first received in the courts of the Saxon kings, and their influence was soon felt in diminishing the frequency and ferocity of war, in mitigating the fierceness and bloody character of the right of feud, and substituting the vergyld, as settled by law and administered by authority, for the unlimited exercise of the *lex talionis*. The Germanic races treated their 'theoves,' or serfs, with humanity; but with the introduction of Christianity the traditional tendency to soften the hard lot of the slave was fostered by the example and counsels of the early bishops and the influence of the clergy. They urged manumission on the wealthy as an act of piety, and as a penance for sin, and on the dying as a means of propitiating mercy in the hour of judgment. Successive Christian kings likewise restrained by laws capricious excesses, and sought to improve the condition of the slave. With the sentiment grew up the institutions of Christian charity. The germ of the provision now made by law for the relief of the indigent was planted by the Christian Church, in the devotion of a third of its tithes, ratified by the express enactment of the Witan, to that charitable aid which was administered by the clergy to the poor. Penance, fine, and voluntary contributions also furnished assist-

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a certain portion of labour could be demanded in consideration of their holdings, or a certain rent (gafol) reserved out of the produce of the hives, flocks, or herds committed to their care. These formed the class of the Læt or Esne—poor mercenaries serving for hire or for their keep, but not yet reduced so low in the scale as the theove or wealh.' The ceorls, or churls, differed both from the serfs and sockmanni, cotsetla and cottarii. They occupied and cultivated the land under an obligation of labour, of services, of tribute in kind, according to the regulation of their possession. They could not be sold; they were not the property of the lord; yet they could not remove from the land; they passed with every transfer as part of the estate. On the other hand, they might occupy the land while they fulfilled the conditions of their tenure.

ance. Before gross abuses crept into the monastic establishments, their xenodochium, hospitium, and alms relieved the wayfarer, so as probably to promote the emancipation of serfs, by providing for a circulation of labour, otherwise impossible, and mitigating the hardships of an often ineffectual struggle for the independent life of a freeman. By teaching the equality of all classes, as purchased to an eternal inheritance by the blood of Christ, by proclaiming the brotherhood of mankind and the right of all to that Divine charity which sought the outcast, forgave him who owed most, and pardoned the penitent, the Christian missionaries introduced into the Saxon heathendom the transforming force of the Christian faith.

The idea of a provision for indigence by a charge on all fixed property was of much later growth. That was a regulation of police which gave security to life in order to protect property by suppressing vagabondage and crime. Under the Anglo-Saxon rule every man by the system of frankpledge was part of an association of neighbours whose mutual bond was an assurance for each member. If, however, he had no means of his own, he was required to put himself under the protection of a lord, and thus to have some one to answer for him. If a serf, the State regarded him as the chattel of his owner, who was only responsible to God for his treatment of him. He, therefore, who had no means, and could find no one to take charge of him, was an outlaw—had no civil rights of any kind. To such a system Christian charity was a new element of civilization; it sustained the hopes and efforts of those who strove to purchase their freedom; it helped them in the struggle for subsistence; it received and fed the sick and aged whose strength failed. Thus, it was not a simple consolation, though that is much, but a means of inspiring the hope of freedom, encouraging the effort to obtain it, and making it an act of piety to promote it. That which is material to the idea on which I wish to dwell is the extent to which, in the lapse of from one thousand to fifteen hundred years, the condition of the agricultural labourer or rustic handicraftsman, after the several revolutions which have developed the population, industry, arts, wealth and power of this country still partakes of the character impressed upon it in Saxon times. As we have seen in geological eras, there are persistent types which are tenacious of life through a vast succession of structural changes, so in social history, not merely traditional usages and superstitious ideas survive even conquests and transformations of national polity, but the condition of certain classes of the people undergoes such slow changes, that we can trace them, step by step, and recognise in their present state the remains of

many of their earliest recorded features. 'Taking,' says Mr. Kemble, 'all the circumstances into consideration, I am disposed to think that the mere material condition of the *unfree population*' among the Saxons 'was not necessarily or generally one of great hardship. It seems doubtful whether the labour of the serf was practically more severe, or the remuneration much less than that of an agricultural labourer in this country at this day: his lord was bound to feed him for his own sake, and if, when old and worn-out, he wished to rid himself of a useless burthen, he could, by an act of emancipation, hand over his broken-down labourer to the care of a church, which, with all its faults, never totally lost sight of the divine precepts of charity.'

To trace briefly the main features of the class of handicraftsmen, tillers of the soil, and artisans, as they appear in the successive eras of English history, is the object which I propose to myself, hoping to gather therefrom some indications of the circumstances which mainly contributed to the physical and moral improvement of any portion of them.

Notwithstanding the despotic violence and usurpation of the Norman Conquest, its effects on the constitution of English society were felt rather among the governing classes than the governed. The rural lords and thanes were so fiercely dispossessed of their estates, that probably one-half, if not two-thirds, of the land of England changed hands. The free tenants of the læ'an land, the ceorls or churls holding land in villenage, the cotsetla or cotarii, and the theoves or serfs had harsher and more exacting masters. The whole country was held in the iron gripe of the Conqueror as a modern city in a state of siege. The military strength, the Norman magnificence of the new Court, the charge of a vigilant, ruthless police, were all supported by subsidies which were wrung by the lords from their dependents of every class. No tyranny could be more absolute, cruel, and relentless than that with which the Norman king and his nobles crushed the spirit of the Saxon people into subjection. But under even this ruthless rigour the constitution of society remained essentially the same. Under the successors of the Conqueror the Saxon people, in the comparative laxity of a less able and more corrupt rule, breathed more freely. Gradually the two races were mingled. The Norman, in whom the quick, impulsive Gaulish blood had its vivid imagination tempered by the Teutonic, came to create the English race, in which the solid, stubborn, but slowly-moving Saxon constitution was awakened to enterprise and daring by the infusion of qualities without which it might have sunk into a sensual sloth. The Norman invasion was therefore an era, in which the royal

power, aided by a fierce military aristocracy, subdued all subordinate authority, and centralized the administration of the kingdom. For a time the feudal institutions were strengthened —personal independence and the spirit of local government were depressed. But the germ of local and national representative institutions survived in the traditions, customs, and provincial constitution of the country, and the mixture of races gradually infused that moderation into the exercise of feudal power which tempered the fierceness of the first military occupation of the country, brought about a recognition of public rights, and at length extorted from John that limitation of the royal prerogative which the nobles demanded for their own order and for the nation. The Norman Conquest consolidated the central power, increased the vigour of the public administration, and the compactness of the force of England for all external national objects. Its destructive force, great as it was, passed like a hurricane, ravaging the loftier, but leaving the lowlier elements of Saxon civilization, though temporarily withered, to grow up among the feudal and military features of an aristocratic monarchy. The nation gained also by the introduction of many of the arts, of a more refined style of living, of literature as the occupation of the classes possessing leisure, and of more polished manners and habits of intercourse. The Crusades, which were an outburst of the chivalric spirit of the feudal nobility, provoked by the inroads of the Saracens, and guided by the religious fervour of Christendom and the sanction of the Church, also brought into Europe many of the arts and some of the science and literature of the East. The nation thus rose in civilization, and 'early in the fourteenth century the amalgamation of the races was all but complete, and it was soon manifest, by signs which could not be mistaken, that a people inferior to none existing in the world had been produced by the mixture of these branches of the great Teutonic family with each other and with the aboriginal Britons.'—(*Macaulay.*) These several causes tended to increase the number of freemen by the growth of population, the increase of commerce and handicraft trades, and the influence of Christianity acting on the Saxon sense of individual responsibility and right. Nevertheless, the rigour of the feudal institutions, the selfish luxury of the barons, the wild licence of their retainers, who mercilessly plundered the people and devastated the country, and the not infrequent disorder from the contentions of nobles issuing with armed retainers from their castles, tended to give great insecurity to the possession of freedom, to harass the growing middle classes by vagabondage and by bands of marauders. Thus in successive reigns follow a series of enactments,

carefully chronicled by Sir George Nicholls in his valuable history of the Poor-law, showing that the emancipation of the serfs from slavery was attended in these rude ages with disorders requiring the restraints of authority. This was, doubtless, more vigilant in the prescriptions of the laws than vigorous and just in the regular action of a well-ordered police, of which, indeed, the country knew little.

In the middle of the fourteenth century the Great Plague swept through England, destroying probably one-half the population. Hence a scarcity of labour—migrations of the freemen to places where this scarcity was greatest and the wages highest—the escape of serfs to establish their freedom by service for a year and a day. The laws during the remainder of this century endeavour to prevent change of service—to enforce its obligations—to settle the rates of wages, and to give summary means of enforcing them. All these are signs of the awakening of a spirit of independence and enterprise. The emancipation of the humblest classes from the thraldom which disposed of them as chattels was in course of exchange for a liberty unjustly infringed by the errors of legislators. War and pestilence had thinned the population—the half-emancipated people awoke to a knowledge of their value—they were less servile, more independent, required better treatment, and higher wages. There was a struggle between the lord and his villein as to the customary service and the dues. At length, in the early part of the reign of Richard II., the law attempted to prevent the riotous assemblages of the villeins who resisted the customary service and dues of their lords. The smouldering discontent with the restraints of their condition was blown into a flame by the Poll-tax, when the serfs and villeins of Kent rose with Wat the Tyler against the oppression which they suffered, demanding the abolition of slavery—that the rent of good land should be fixed at 4*d.* per acre—full liberty of buying and selling in all fairs and markets, and a general pardon of all past offences.

One new element had fostered this spirit. The long reign of Edward III. had sedulously promoted for the first time a domestic woollen manufacture, and the coincidence of the rise of this employment with the manifestation of a greater eagerness for freedom is not without its significance. Between this reign and the close of that of Henry VII. a series of enactments were passed, intended to promote the growth of wool and to encourage the settlement of foreign artisans, though not untainted with a jealousy of foreign merchants. The manufacture of woollens and worsted fabrics grew so steadily that efforts were made to restrict the exportation of English wool. During

this time serfdom step by step tended to merge into a yearly hiring—apprenticeship to handicrafts increased—labourers still flocked to the towns and secured their freedom—the towns grew, and with them personal and municipal independence, under the guidance of a middle class, whose wealth and social power augmented in every reign. The laws in vain attempted to prevent the escape of serfs and villeins from vassalage—to compel service—to fix the hours and wages of labour—the prices of commodities—to restrain imports and exports. A new vital force had entered into the community. The Christian law of equality: the Saxon spirit of personal dignity and self-government by representative institutions—the inventive faculty applied to manufactures—enterprise in the home trade and foreign commerce reared men grouped in towns, who, without the fierce struggles which occurred between the burghers and the lords or prelates of foreign cities, curbed the power of the aristocracy, and step by step prepared the nation for the enjoyment of greater freedom.

A little later, in the 33rd year of Henry VIII., the preamble to an Act of Parliament (chap. 15) thus describes the state of Manchester:—'The inhabitants thereof are well set-a-work in making cloths as well of linen as of woollen, whereby the inhabitants have obtained, gotten, and come unto riches and wealthy living, and have kept and set many artificers and poor folk to work within the said town, and many poor folks had living and children and servants there virtuously brought up in honest and true labour out of all idleness.'

The sumptuary laws of the fifteenth century seem to have originated chiefly in a desire to keep up, by costume, the distinction of ranks which the growing wealth of the burgesses, tenantry, and freemen tended to confound. At the close of the century nautical daring had received such an impulse from commerce that Vasco de Gama rounded the Cape of Good Hope in his way to India, and Columbus sailed from Spain for the discovery of a new world. The art of printing extremely facilitated the progress of improvement. The invention of gunpowder changed the whole art of war. The mind of the nation was awakening from the oppression of the Conquest, from the confusion and waste of life and treasure in the wars of the Roses, and was preparing for those great changes in religion which finally defined the course of the polity and legislation, and of the development of the nation in commerce and in the arts.

These were the successive steps in our history by which the serfdom of the humblest classes of labourers and the villenage of the occupiers of the soil gradually disappeared between the Norman Conquest and the end of the fifteenth century.

In these 500 years of feudal turbulence, domestic insurrection, and civil war, the nation gradually emerged from a semi-barbarous condition. The politic reign of Henry VII. controlled or suppressed such elements of disorder as remained, and Henry VIII. ascended the throne to reign over a mixed race composed of all the elements of the Teutonic family, with an authority in which the Norman and the Anglo-Saxon power had been welded together.

Since the Conquest the population of England and Wales had risen from about 2,000,000 to 4,000,000, to become 5,000,000 in another century. The arts, industry, and commerce of the country were much developed; manufacturing towns and commercial ports had sprung up. We were on the eve of the Reformation, and that great event ushered in an era in our literature which produced Shakspeare. Before, however, that modern age of the last 360 years had established its characteristic features, new forms of evil had to be subdued. The system of frank-pledge, combined with the condition of serfs and villeins, had long prevented the migration of the people. We have seen how these restraints were dissolved, and how, in the appropriation of one-third of the tithes to the relief of the poor, and in the succour administered by the monasteries and churches, migration was fostered, and the inevitable hardships of a struggle for freedom were mitigated. But this charity was liable to abuse, and in an age when the corruption of the monastic communities prepared the nation for their general suppression, and a large secularization of ecclesiastical revenues, an ill-regulated charity cherished idleness, vagabondage, and crime. The laws, therefore, through a series of reigns, became more and more stringent against sturdy beggars and vagabonds. The rigour of these enactments tended even to defeat their object in the absence of a legal provision for indigence, and of an efficient police, to prevent disorder and pursue crime. But by degrees the distinction between the impotent and the able-bodied poor was established, the former were to be relieved, the latter were to be set on work; 'ruffelers,' sturdy vagabonds, and valiant beggars 'were to be apprehended, whipped, sent to the town or parish to which they were first appointed, and also to 'have the upper part of the gristle of the right ear clean cut off, so as it' might 'appear for a perpetual token that he' had 'been a contemner of the good order of the commonwealth.'

The dissolution of the monasteries, by dispersing the crowd of idle and useless persons who were fed by the abused charity of the Church, and releasing from the vow of celibacy great numbers of monks, is supposed to have added at least 200,000 persons to the effective stock of the population. This in the pre-

valent corruption of their manners could not occur without disorders, and therefore we may feel less surprise, considering the despotic authority and the ruthless provisions of the criminal law, that in the reign of Henry VIII. 72,000 persons were executed for theft and robbery. The contest with crime and vagabondism, together with the first traces of unions of artificers and handicraftsmen to regulate the wages, hours, and rules of labour (1548—2 and 3 Edward VI. cap. 15), and the need of a provision for the impotent, gradually strengthened the police on the one hand, and, on the other hand, led, step by step, to the foundation, in the reign of Elizabeth, of the legal relief of indigence, and for setting the poor on work, which had become indispensable, after the secularization of so much of the ecclesiastical revenues.

These are, however, all signs of the completion of a long struggle for freedom, fostered by the growth of trade and commerce—the consequent demand for labour—the wealth and enterprise of the middle class—the impulse given to independence of thought and action by the Reformation, and to the arts, literature, and civilization of the country.

The relief of the poor was transferred from the charity administered from the resources of the Church without the restraints of police and law, into a legal assessment giving security for life, so as to increase public order, and with it the security of property. It was essentially a measure of police, and at every step of its development was accompanied by positive enactments for setting the able-bodied poor on work, and for the suppression of mendicancy and vagabondage. Among these remained that which survives to this day among the last features of the original condition of the Saxon serfs and villeins awaiting the final acts of their emancipation. The law of settlement represents by its interference with the migration of labour (without which our manufacturing system could not have been built up), the condition of the serf, when he was the chattel of his lord, and lived on his land as one of the beasts of burden; and the state of the villein, who, though he had a right to his land so long as he acquitted the service, dues, and obligations by which it was held, could not remove from it, and was conveyed with the estate as part of the inheritance, sold 'mid mete and mid mannum.' May we not say then, that, as fifteen hundred years have now elapsed since the settlement of the Saxons by conquest and colonization, there are persistent types in the social as well as in the material records of the world. While we proceed to examine what are the causes which, in three centuries and a half, have raised the population of England and Wales from 4,000,000 to more than 20,000,000,

may we not pause to acknowledge that the stability of the order of nature in the history of mankind, though their condition be disturbed and gradually changed by the force of political revolutions, resembles, in no small degree, that which is observed in the geological eras, in which the most prodigious changes are so gradual as to be consistent with the persistence of many forms of animal life, and all with one great and beneficent design?

As the Reformation in religion was the sign of an independence of thought which dared to set up the rights of conscience to the interpretation of the Holy Scriptures in the place of the authority of the Church, sundry consequences immediately followed. The Bible must be made accessible to the vulgar, and for that purpose the version in the vulgar tongue was chained to the pillars of the churches and read aloud to the people at stated hours. The Liturgy must be adapted to the change, and homilies issued to be read by the clergy. A national church, in a State which recognised the right of private judgment, had been founded, and might be regulated by the Legislature. Hence, on the secularization of the ecclesiastical revenues, Cranmer desired to devote a large portion of them to a new episcopal organization, providing extensively for the education of the people. In the reign of Edward VI. part of this plan was adopted in the foundation of numerous grammar schools, and the same design was from time to time carried out in the reigns of Elizabeth, James I., and Charles I. Probably the schools thus founded by the Tudor dynasty, and sanctioned by the Stuarts themselves, reared the sturdy yeomanry and middle-class who fought the battles of the Long Parliament against the usurpations of the Crown; and who, whatever errors or crimes they committed, handed down to us the institutions of our Saxon forefathers, strengthened by the civilization of 1000 years.

From the end of the reign of Elizabeth, at the beginning of the seventeenth century, to the present time, three great objects have chiefly occupied the domestic legislature of Great Britain, though they were never separated in action so as to divide these two centuries and a half into three distinct periods. These three objects were constitutional freedom, colonization and commerce, and lastly, the development of manufactures by invention and art. Maritime enterprise had received a great impulse by the discoveries of Columbus, Sebastian Cabot, and Vasco de Gama a century before, and the conquests and colonization of the Spaniards created a commerce with the New World, which made Spain even a more formidable antagonist of the growing maritime power of England than the Dutch became at a later period. Elizabeth had therefore

encouraged voyages of discovery and stimulated the nautical daring of her subjects. In 1582 the number of seamen in England was 14,295—of vessels 1232, of which, however, only 217 were above 80 tons burden. In 1569 a patent was obtained from the Czar of Muscovy, granting an exclusive traffic with that country. The trade with Turkey commenced in 1583, and in 1600 the Queen granted the first patent to the East India Company, which enlarged its stock and increased the number of its ships, one of which was of the large burden of 1200 tons. The American colonies had commenced in the reign of Elizabeth, but were insignificant until a company was formed in London and Bristol to promote their success, which made a settlement in 1606, to be succeeded by others, in which the instincts of the Anglo-Saxon race in subduing wild nature, in self-government in regions remote from settled communities, and in heroic constancy in every difficulty, were tried by a test more severe than the original settlement of England, and crowned with as triumphant a result.

But during the seventeenth century, while the commerce of India was slowly developing, and the colonization of North America and the West Indies was proceeding with rapid strides, the great constitutional struggle to determine the relations of the prerogative to the ancient representative institutions of the country passed through the stages of civil war, revolution, the establishment of a republic, the restoration of the authority of the Crown and the exiled family, and the limitation of the Royal power by a change of dynasty, on the constitutional settlement of a limited monarchy in 1688.

The rest of the century was expended in securing internally and externally the recognition of this constitution. During the struggle, the middle classes had given such proof of power that, under Cromwell, they had usurped the government, overthrown the established religion, substituting Puritanism for the Anglican form of worship; and after the settlement, their power re-appeared in the House of Commons, their religious views were infused into the Church, which has ever since had a strong puritanic leaven, and survived in the Presbyterian and Congregational communions, which form the nucleus of dissent to this day. During the fierceness of the religious disputes many of the Puritan party took refuge in America, and gave the first positive impulse to the faith and doctrine of the New England States. The controversies and stern struggles in Parliament and in the field agitated the whole nation from the highest to the lowest ranks, and roused it to that great career of colonization and commerce which commenced before the civil commotions, was promoted by exiles forced from England by these

contests, and was fostered alike by the national instinct, the growth of our manufactures, and the establishment of political freedom.

During the seventeenth and eighteenth centuries the principles by which commerce and colonization should be regulated were explored, through a series of errors and their consequences which I have not time to trace. The impulse which constitutional freedom had given to the Anglo-Saxon race was felt to the furthest limits of this growing empire. The American colonies, refusing to submit to taxation without representation in the national Parliament, separated from the mother country, thus establishing new principles of colonization from a free people. The emigration of surplus labour prevented the growth at home of doctrines undermining the security of property, and provided a field of enterprise for all classes. The settlement of the constitution of our limited monarchy, and the colonization of our empire beyond the seas, during the seventeenth and eighteenth centuries, thus prepared this country for that wonderful progress which has been caused in part by the destruction of feudalism throughout Europe by the French Revolution, but far more by the conquests of science over the natural forces, which accompanied and followed this event, and ushered in an era of industrial art and invention.

The manufactures of woollen and linen were from a very early period domestic, in the sense that they formed a part of the occupation of the households of freemen. But wool and flax, rather than manufactured goods, formed the matter of export up to the sixteenth century. The establishment of manufactures as an element of the commercial exports of the country may be traced primarily to that art and skill which were introduced by artisans and merchants dispersed by foreign war, or seeking an asylum in England from religious persecution. In 1568 French and Flemish refugees from the fierce persecutions of the time, skilful in various branches of the woollen manufacture, were encouraged to settle and follow their trades at Norwich, Colchester, Sandwich, Maidstone, and Southampton. The silk manufacturers of Antwerp were dispersed into Holland, Germany, and England in 1585 by the Duke of Parma, then Governor of the Spanish Netherlands, who gave up the city to three days' indiscriminate plunder. Though Wheeler says the Merchant Adventurers were 3500 in number in 1601, and exported cloth, kerseys, and other woollen goods to the value of 1,000,000*l.* sterling, yet the Dutch and Flemish manufacturers excelled the English even to the end of the seventeenth century. Manchester, in 1641, purchased cotton wool from Cyprus and Smyrna, with which to make fustians and dimities

for home consumption and exportation, and obtained yarn from Ireland, wove it into cloth, and returned it thither for sale.

The Revocation of the Edict of Nantes, in 1685, compelled Protestant merchants, manufacturers, and artificers to emigrate from France in numbers variously estimated at 300,000 to 1,000,000 persons. About 70,000 emigrated to England and Ireland, establishing such seats of manufacture as that of Spitalfields, in silk of the highest styles of art and ingenuity of fabric then known. In 1713 the petition of the Weavers' Company to Parliament, at the Peace of Utrecht, against the commercial treaty with France, represents the silk manufacture as twenty times greater in amount than it had been in 1664, and that it had caused a great exportation of woollen and other manufactured goods to Turkey and Italy, whence the raw silk was imported. Still our machinery for throwing silk was so imperfect that we were dependent in a great degree, in 1718, on the throwsters of Italy for the supply of organzined silk, when Mr. Lombe, of Derby, in the disguise of a common workman, succeeded in taking accurate drawings of silk-throwing machinery in Piedmont, and erected a large throwing-mill on the Derwent, near Derby, obtaining a patent for 14 years, and a subsequent reward of 14,000*l.* from Parliament.

At the beginning of the eighteenth century, neither science nor native art had contributed anything material to the manufactures of linen, woollen, silk, or cotton. Excepting in so far as they had been improved by the immigration and settlement of foreign artisans, who brought greater skill and taste to the chief seats of manufacture, our textile fabrics remained in the rude condition of domestic work, managed by the peasantry according to traditional habit. But at the commencement of the eighteenth century we had long ceased to have any slave class. The peasantry and artisans were still chained to the soil or the parish by the law of settlement. They were still rude and uninstructed—unequal, either by intelligence or morality, to the exercise of the rights of every freeman, according to the old Saxon constitution, to have a voice at least in the local government. But they had been aroused by the civil and religious struggles, by the successful efforts at colonization, and by the growth of towns, and more frequent intercourse, to a state of activity and intelligence unknown at any previous period. The condition of villenage had long ceased. The land was held either by great proprietors and cultivated by their tenants, or by yeomanry or small estates men, who tilled it themselves, or less frequently by merchants and tradesmen. A middle class had for some centuries grown gradually into wealth and political and social importance. Feudalism had not

survived the reign of Henry VII., and the Reformation, the civil war, the Commonwealth, and the Restoration had accustomed the Crown and the aristocracy to seek the co-operation of the Commons of England. The Constitution of 1688 recognised the right of the middle classes, from the burgesses of towns down to the 40*s*. freeholders, and even the voters in some boroughs by scot and lot, to limit the authority both of peers and the Crown by their representatives in the Commons House of Parliament. The population of England and Wales had probably increased to 6,000,000.

This was the general condition of the people immediately before the commencement of a century of the reduction of the natural forces to the service of man, by a series of mechanical and scientific inventions vastly increasing the productive power, and by arts adding exceedingly to the beauty of every result of industry. At the beginning of the seventeenth century—in 1612—the whole exports of England and Wales did not exceed 2,500,000*l*., and in 1699 they are stated to have been nearly 7,000,000*l*., a proof of the steady growth of domestic industry, notwithstanding that the work of rearing the fabric of constitutional liberty at the expense of civil war and revolution had occupied the nation during this century. In another century and a half the exports of England and Wales had risen from less than 7,000,000*l*. in 1699, to nearly 60,000,000*l*. in 1849, while the whole exports of the United Kingdom amounted to 116,614,331*l*. in 1858, and the imports to 163,795,803*l*. in that year. The population increased from about 6,000,000 in 1700 to nearly 18,000,000 in 1851, and probably upwards of 20,000,000 in 1858. So vast a change was attributable, first, to political and social freedom; secondly, to maritime discovery and enterprise, consequent naval supremacy securing the police of seas, and to colonization and conquest in every part of the world; and, lastly, to the genius of the people for mechanical invention, in that age in which science has made much larger contributions to the arts than in any other period of human history.

To trace the progress of new inventions in every branch of trade and manufacture is foreign to my purpose, but to mark the successive periods of remarkable improvements greatly increasing the productive power of human labour, I select the cotton manufacture, the inventions of which have been parallel, though somewhat prior, to similar steps of advance in other textile fabrics, and in the latter part of their history agree in time with the improvements in mining, the working of metals, the ceramic arts, in navigation, and in locomotion. In the year 1766 the annual value of all cottons manufactured in this country was estimated at about 600,000*l*., of which about

200,000*l.* was the value of cotton goods exported. About the year 1760 the fly-shuttle, invented in 1738 by Mr. John Kay, of Bury, came into use; and in 1760, also, Mr. Robert Kay invented the drop-box. The first patent for Wyatt's or Paul's invention of spinning by rollers was taken out in 1738, in the name of Lewis Paul, and a second patent, including an improvement, in 1758. Sir Richard Arkwright's first patent of the water-frame and throstle was dated 1769. Almost simultaneously Hargreaves invented the spinning-jenny between 1764 and 1767, and obtained a patent in 1770. Meanwhile, in 1748, Lewis Paul constructed his cylindrical carding machine, which was introduced into Lancashire about 1760, and was, in 1772, improved by successive inventors, before Arkwright took out his carding patent in 1775, including the processes of drawing and roving.

Mills for the throwing of silk had existed in England from the time when Sir Thomas Lombe, in 1719, erected one on the Derwent near Derby on the model of those which he had visited in Italy. But the factory system was mainly the creation of the genius of Arkwright, whose invention seems to have been less astonishing than his faculty of combination—his constructive power—his administrative talent, energy, and enterprise. In 1782 a capital of 200,000*l.* employed 5000 persons on machines purchased from Arkwright with permission to use them: while in 1785, it was alleged that 30,000 people were also employed in establishments set up in defiance of the patent at a cost of 300,000*l.* more. These mills (with rare exceptions of the use of Newcomen's and Savary's engines) were driven by water power.

The mule, invented by Crompton in 1779, has superseded the jenny, and to a great extent the water-frame, and improved by the successive inventions of William Strutt, of Kelly, Ewart, and others, resulted in that remarkable triumph of inventive skill and combination in Roberts' self-acting mule, patented in 1825 and 1830, which is now with later improvements universally adopted. These inventions, with those of the fly-frame and the tube-frame, together with the dissolution of Arkwright's patent in 1785, gave a wonderful impulse to the cotton trade. 'Within the first fifty years of the eighteenth century the quantity of cotton wool imported seems to have little more than doubled: in the last twenty years of that century it multiplied more than eightfold. The rate of progression was therefore ten times as great in the latter period as in the former.' 'Within the first fifty years, the value of the cotton exports nearly doubled: within the last twenty it multiplied fifteen-and-a-half-fold. The rate of progression was therefore twenty

times as great in the latter period as in the former.' The annual value of the English cotton manufacture, which, in 1766, was 600,000*l.*, had, in 1787, risen to 3,304,371*l.*, and Mr. Pitt, in 1785, estimated the number of persons employed in all branches at 80,000.

The power to work the new machinery by water would soon have been exhausted in the seats of the trade; and if a new motive power had not been invented, the manufacture must have been widely scattered. There would have been wanting to that perfection of the social machinery of commerce, now exhibited in this cotton district, the division of labour—the concentration of inventive power and reparation—the combination, at the least cost of conveyance, of all the processes of the trade from the raw cotton to the printed or dyed fabric—the central emporium of exchange, with a convenient outport, all united by water-carriage and railways. But in the same year 1769, in which Arkwright secured his patent for spinning with rollers, James Watt's patent for lessening the consumption of steam and fuel in fire-engines was obtained, followed, in 1775, by the Act of Parliament vesting in him the 'sole use and property' of his invention for twenty-five years; and by other patents in 1781–2 and 1784, for great and essential improvements. The power-loom invented by Dr. Cartwright in 1785, and which has passed through a series of remarkable improvements—the dressing machine of Johnson and Radcliffe, for which patents were taken out in 1803 and 1804—and many other subordinate improvements, complete the marvellous series of inventions by which the spinning and weaving of cotton fabrics have been raised to their present condition.

These wonderful mechanical combinations are, however, not the only contributions of native genius or of science to the growth of this great manufacture. Calico-printing was introduced into England in 1696 by a French Protestant refugee, who established a small print-ground on the banks of the Thames. The exclusion of the beautiful manufactures of Calicut from the English market, and the absurd sumptuary laws of 1720, prohibiting the wearing of all printed calicoes whatsoever, whether of foreign or domestic manufacture, were so effectual in repressing the growth of this art, in order to foster the silk, linen, and woollen trades, that up to 1750 not more than 50,000 pieces were annually printed in Great Britain, and this art did not migrate into Lancashire until 1766, when it still had to struggle with a heavy duty of 3*d.* the square yard. In 1786 James Watt in Glasgow, and in 1788 Mr. Thomas Henry, in Manchester, made known the discoveries of Scheele of the bleaching powers of chlorine, and its application by Berthollet to the bleaching

of cloths made of vegetable fibres; and mechanical invention rapidly supplied the various means of washing, wringing, and drying the cloths, whose perfection is probably not even yet attained. In like manner the contributions of chemical science to the art of dyeing and calico-printing have, since 1764, given a remarkable impulse to the trade. The quantity of cottons printed in 1796 was 20,000,000 yards; in 1800 nearly 33,000,000; in 1814 about 125,000,000, and in 1830 it amounted to 347,000,000 yards, and has since undergone a vast increase. These triumphs of native skill have coincided with the wonderful engineering of Smeaton and Brindley, in covering the manufacturing districts with a network of canals; with that of Fulton in the application of steam to navigation; and more recently, with the genius of Stephenson, whose name is inseparable from the railway and the locomotive; and of Wheatstone, who, by the most subtle force in nature, has knit together the whole social fabric of the civilized world, as the human organization is made a sentient and intelligent whole, by the delicate network of the senses and the nervous fibre.

By these combined agencies, the actual value of the cotton manufacture, which in 1787 was estimated at 3,304,371*l.*, arose in 1833 to 31,338,693*l.*, according to Mr. Baines; and the capital employed in the manufacture was 34,000,000*l.*, while Mr. M'Culloch, in the latest edition (1849) of the *Commercial Dictionary*, gives 36,000,000*l.* as the value of the goods annually made, and 47,000,000*l.* as the estimate of the capital employed. The exports of the cotton manufacture of the United Kingdom amounted in 1849 to 26,775,135*l.*, and in 1858 to 33,421,843*l.* Mr. Baines, in 1833, estimated the number of persons employed at 237,000, supporting 1,500,000 by upwards of 6,000,000*l.* of annual wages; whereas, in 1849, Mr. M'Culloch calculates that 542,000 spinners, weavers, bleachers, &c., and 80,000 engineers, machine makers, smiths, masons, joiners, &c., were employed at annual wages amounting to 17,000,000*l.* for 622,000 workmen. The development from 1849 to 1859 has proceeded at a rate at least as great as that which preceded.

In like manner it would be easy to trace the effects of mechanical invention and scientific discovery in the development of the woollen and worsted, hosiery, stuff, silk, and lace fabrics, of hardware and pottery, of mining for iron, lead, tin, copper, and coal, and to show how marvellous has been the progress in each of these departments of trade since the beginning, or even since the middle, of the eighteenth century.* For

* The *silk* manufacture owed its origin to the skill of foreign artisans and traders: it was fostered by the successive immigrations of refugees, driven to

example, the exports of woollens in 1699 were estimated as amounting to nearly 3,000,000*l.* of value, and the yearly average of exports from 1718 to 1724 amounted to 2,962,881*l.*, whereas Mr. Baines estimated the annual value of woollen and worsted exported in 1857 as 13,645,175*l.*; the number of individual workers as 275,000, and the number of persons supported as 837,500, and the annual value of the woollen manufacture as 20,290,079*l.*

I have in like manner marked the progress of almost every department of our domestic industry during the last century, but the enumeration of these statistical details would leave only a vague and confused impression. I therefore pass over all except some very few of those instances of prodigious development which have characterized the era of mechanical invention.

William III. did all in his power to discourage the woollen manufacture in Ireland and to encourage that of linen; and it was not till the close of the eighteenth century that flax-spinning mills were erected in England or Scotland. The Irish exports of linens to Great Britain and foreign parts increased from 34,000,000 yards in 1800 to 55,000,000 in 1825, and the declared value of linen goods and yarn exported from the United Kingdom increased from

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England by religious persecution. The first silk-throwing mill was organized by Mr. Lombe, in 1718, and fitted with machinery on the model of that used in the Italian mills. Jacquard invented, at Lyons, his loom for weaving figured silks in 1800, and this was introduced into England some years subsequently. The manufacture was fostered, in 1765, by laws prohibiting the introduction of foreign silk goods, until 1826, and, like all protected trades, the silk manufacture had a sickly life. Its progress may be measured by the following data:—The average annual importation of raw waste and thrown silk was, in 1765-6-7, at the commencement of the prohibition system, 715,000lbs.; from 1801 to 1812 it was 1,110,000lbs.; in 1815-16-17, the first years of peace, and fifty years after the prohibition was commenced, 1,415,000 lbs.; and in 1821-22-23, the last three years prior to the change from prohibition to a protective duty of 30 per cent., was 2,399,000lbs. Between 1823 and 1849, the trade much more than doubled, for, in 1849, the raw waste and thrown silk imported amounted to 6,269,179lbs., and in 1858 to 6,635,845lbs. During the last sixty years the quantity of thrown silk imported has sensibly diminished; and since the introduction of the Jacquard loom, our weavers are enabled to produce fancy silks equal to the French in quality, though not yet able to compete with them in price. With the withdrawal of the prohibitive system, the exports of silk goods from the United Kingdom have risen from 168,801*l.* in value in 1826, to 998,334*l.* in 1849. In 1846, therefore, a considerable abatement was made in the rates of duty chargeable on foreign silk manufactures, and in 1858 the declared value of exported silk goods was 1,305,899*l.*

The exports of *hardware and cutlery*, which in 1805 amounted to 4288 tons, in 1849 was 23,421 tons, and in 1858 was 33,170 tons. The declared value of these exports in 1820 was 949,085*l.*, and in 1858 3,277,607*l.* In 1801 only 4584 tons of *bar and pig-iron* was exported; whereas the quantity, with the super-added item of castings, amounted, in 1849, to 554,442 tons, and in 1858 to 1,128,646 tons. The declared annual value of the exports of *brass and copper* manufactures amounted, in 1805, to 382,740*l.*, in 1849 to 1,875,866*l.*, and in 1857-8 to 2,854,551*l.* The export of *unwrought steel* increased from 323 tons, in 1814, to 8095 tons in 1849.

2,579,658*l.* in 1834 to 4,225,895*l.* in 1849, and to 5,870,696*l.* in 1857. This progress is almost solely attributable to the improvement of machinery in spinning and weaving.

The quantity of iron made in England and Wales in 1740 was estimated at 17,130 tons, in 1788 it amounted to 68,300 tons, and in 1796 to 124,879 tons; whereas, in 1848, the iron made in Great Britain had increased to upwards of 2,000,000 tons, and in 1858 to 8,040,959 tons.

The origin of English canals may be fairly dated from the Act of 1755, under the authority of which a canal, about eleven miles long, was made from Sankey-brook to St. Helens. In 1759 the Duke of Bridgewater obtained his first Act of Parliament, and then commenced the remarkable work developed by the genius of Brindley. Though only a century has elapsed, and the increase of canal navigation has been checked in the last thirty years by the new enterprise of railways, the navigable canals of England alone exceed 2200 miles, while the navigable rivers exceed 1800 miles in length, making a total of 4000 miles of inland navigation, the greater part of which has been created almost in 80 years from 1760.

Though previous experiments had been made in France, in the United States of America, and in Scotland, the first successful application of steam to river and sea navigation was made by Fulton, in 1806 or 1809, on the Hudson, in North America. The first steamboat worked for hire in Great Britain was the *Comet*, which plied with passengers on the Clyde in 1811. Since that time the progress of steam navigation has been of unexampled rapidity. In 1849, the Registrar-general of Shipping reported that 1296 steam-vessels were employed at different ports of the United Kingdom and her colonies, with an aggregate burden of 177,130 tons. In 1814, six steam-vessels were built and registered in the United Kingdom and her colonies, with a burden of 672 tons; whereas, in 1858, the steam-vessels built in the United Kingdom were 153, with a burden of 53,150 tons. The increase of steam navigation is also shown by the fact that whereas, in 1822, 169 British and foreign steam-vessels, of 15,017 tons burden, cleared inwards, in 1849 the number of vessels had increased to 4165, and the tonnage to 840,417; whereas, in 1858, the tonnage of steam-vessels cleared inwards had increased to 2,115,052. In 1803, the vessels of all classes belonging to the United Kingdom and its dependencies numbered 20,803 ships, with 2,000,000 tons burden; and in 1858 to 20,071 ships, with 4,325,242 tons burden, exclusive of river steamers in this last return.

Thirty years have not elapsed since the first public railway was made in England; whereas, on the 31st of December, 1858,

there had been constructed in the United Kingdom 9506 miles, and parliamentary powers exist for the construction of 2070 miles more. The existing railways have been constructed at a cost of 325,375,507*l.*, and in 1858 conveyed 139,193,699 passengers, upwards of 73,000,000 tons of merchandise and minerals, and 11,326,006 of live stock, with an aggregate gross income of 23,956,749*l.*, and at an annual outlay of nearly 12,000,000*l.* (11,738,807*l.*) No accurate account can be given of the amount of coal raised from mines in Great Britain during the last century and a half until a very recent period. The history of the growth of the manufacture of metals, of the use of steam power in mining, manufactures, locomotion, and navigation, however, shows that, except for domestic uses, the demand for coal was comparatively very slight a century ago. During this century of mechanical invention the home and foreign trade in coal have advanced with gigantic strides, until, in 1858, 65,008,649 tons of coal were raised in Great Britain.

To trace the influence of these vast steps in the development of national wealth and power in all classes would require an elaborate volume. Even to complete the rude outline of my picture of the condition of the working classes, I am necessarily restricted to most general statements. Two strong tendencies have accompanied the growth of the population from 6,000,000, in 1700, in England and Wales, to upwards of 20,000,000 at the present time. The first has been the growth of great towns (some of which have increased their population six or eightfold), the aggregation of the people on the coal-fields, by migration from the agricultural and moorland districts, and from Ireland, as well as by the extraordinary stimulus given to natural increase by higher wages, early employment, and early marriages. The second has been, that hitherto the sudden checks in commercial prosperity caused by wars, by defective harvests, by the errors of our commercial legislation, by the very eagerness of enterprise, blindly glutting foreign markets, have all been met by the silent influence of colonization, which, in dangerous crises, has enriched our colonies and the United States with the transiently surplus labour of the United Kingdom. There is scarcely a more touching incident in our national history than the fact that the Irish emigrants to North America have, since the failure of the potato crop and the famine of 1846, sent 9,000,000*l.* sterling to their relations in Ireland to enable them to follow.

The migration, immigration, and vast increase in the numbers of the people—their gathering from comparative isolation in rural districts to close aggregation on the coal-fields under the stimulus of higher wages—began at a period when the

schooling of the common people had been uncared for. Raikes commenced his Sunday-school in Gloucester in the latter end of the last century. The people, during fifty years of the last and twenty of the present century, were chiefly educated in the workshop. To the training of skilled work was superadded, with the growth of the factory system, that organization for the division of labour requiring a subordination of ranks in every mill according to capacity and skill. Hence grew habits of punctuality, order, the economy of time, the strict care of property, and exact obedience to discipline. Every factory has resembled in those respects a regiment; but it has included more gradations of rank, and a still more complicated system of submission to authority. The hand, the eye, the mind, have been trained to the most rapid manipulations; the character of the people has been gradually moulded by the great institutions of industry. This, in part, explains the comparative order with which such vast social changes have occurred among an otherwise rude and uninstructed people.

The Legislature was ignorant of the true principles of finance and of commercial legislation to such an extent that, but a century ago, it prohibited, by sumptuary laws, the wearing of printed calicoes; and, with a limited area of culture, until a very recent period, deprived our vast mechanical force of the opportunity to purchase cheap bread. We should not, then, wonder at those outbursts of the fury of a population whom we had neglected to instruct, and who met each severe though transient embarrassment in the labour-market by the 'Luddite' riots of Yorkshire, and the successive efforts to destroy the spinning-jenny, the carding machine, and the power-loom in Lancashire. Our workpeople, taught rather by the press, by the influence of public opinion, and by personal experience, than as yet acquainted with any abstract principles, are ready now to protect the machines which they formerly destroyed.

In like manner, the attempt to regulate wages by associations of workmen has, under similar influences, undergone successive forms of amelioration. Secret associations, bound by terrible oaths, and issuing orders of assassination, are apparently not extinct, if the recently reported attempts in Sheffield are to be received as evidence of the existence of these ruthless gangs. But the recent strikes in Preston and other parts of Lancashire have passed off without tumult and without the picketing of mills. There remain forms of interference with the personal freedom of workmen almost as effectual. Moral intimidation has succeeded to violence, the isolation of the 'knobstick' or 'black sheep' who will not join the union is substituted for personal assaults; the trades unions attempt to

dominate in their own class by refusing to work with 'knob-sticks' or 'black sheep,' and thus to subordinate the whole of the workmen in any trade to the orders of the directing committee. If the representative system of such associations were perfect; if the committee were always disinterested and pure; and if they had a more comprehensive knowledge of general principles than they have ever shown, it is clear that this social control of individual action would constitute at best that tyranny of the majority which De Tocqueville has conclusively shown to be the fatal crime against public and private liberty of any purely democratic constitution. But I have not only an unwavering confidence that these are transient forms of evil; they are even signs of an advancing civilization. They are irregular and disturbing movements of a great social force, slowly, but with a certainty which marks the great operations of nature, adjusting the relations of labour and capital, so as to be consistent with that partnership between the free and intelligent workman and his employer, for which, step by step, our whole history has been a preparation. Nevertheless, great evils remain to be corrected. The first effect of a rise of wages among a rude people has commonly been the increase of the coarser forms of sensual enjoyment. Thus Mr. Porter, some years ago, estimated the amount of beer, spirits, and tobacco consumed by working men in the United Kingdom at 53,411,615*l.*; the spirits amounting to 20,810,208*l.*, the beer and porter to 25,383,165*l.*, and the tobacco and snuff to 7,218,242*l.* 'Now,' says Mr. C. Morrison, 'without going the same length as those who would proscribe stimulants altogether, it may be assumed, without much contradiction, that nine-tenths of the spirits stated in this estimate, one-half of the beer and porter, and half the tobacco and snuff, were either actually pernicious in the use, or, at least, superfluous.' (p. 43.) The evidences of the amount of crime and pauperism fluctuate so much with the state of the law and its administration, that probably no standard of the moral and intellectual condition of our population is so sure as this inordinate and unnecessary use of intoxicating drinks and tobacco. This is fatal proof that though the pauper, bound by the law of settlement, is our last actual slave, some of the worst consequences of serfdom remain. The workman is free to emigrate from the moorland cottage, or the hut in the fens, or the mud hovel in the stagnating agricultural district, or from an Irish bog. He may settle in the midst of the vigorous life of the English coalfields. He may be trained gradually, with better food, lodging, and clothing, by the discipline of toil, till he has a muscular, energetic frame for outdoor work, or has gained a wiry, highly

nervous organization for the skilled manipulations of the factory. He may submit his will to the regulated system of the division of labour and to the influence of opinion in society. He may combine, with perfect respect to the law, to adjust the relations of labour and capital. But though in all this there is gain, the animal nature of the ancient serf reappears. Ages ago his progenitor was a beast of burden, sold as a chattel of his owner, when life was subject even to his caprice. He has not risen to real freedom until he has acquired self-control. Emancipated from the *mund* of his lord, he has become his own master without the power to control his appetites.

In his new life the mind of the workman is mainly developed by his industrial and social training. The workshop and the press have done more for him than any other agency, and next to these the Sunday-school. But it is to be confessed that that portion of the workmen who spend their evenings in sensual excesses have not yet become freemen. The tendencies to democratic change are so obvious, and are so strongly indicated by the origin, history, and theory of our constitution, that they are in some form ultimately irresistible. We have, therefore, to determine for ourselves whether we value the personal liberty of opinion and action which we enjoy under the mixed political power of this country, and whether we cannot preserve it, while we proceed to fulfil the apparent destiny of our race, by completing the freedom of the mass of our countrymen, by raising them to the dignity of freemen in the power of self-control, and to the intelligent exercise of the rights of freemen by the recognition of their claim as a class to a more direct influence in our representative system.

Something has been done towards this result. The cities, towns, and villages of our coal-fields, into which in the last century the population have migrated, were irregularly constructed, unpaved, unsewered, the houses often rude and unhealthy. There was bad scavenging, little lighting, no sufficient water-supply. Though we had suffered from the warnings of typhus and of an excessive infantile mortality, we needed to be aroused by the visitation of cholera to the condition of our towns. That disease shocks by the appalling mystery which shrouds its advance, the rapidity of its action, and by the suddenness with which it ravages the population. The singular manner with which it marks, by its path, where the foulest squalor, the thickest miasm from filth attacks the frame wasted with want,—and the deepest moral degradation, combined with the lowest physical condition, herd together,—attracted public attention to the sanitary regulation of our towns.

Great advance has been made during the last twenty years

in these forms of improvement, both in town and country. The physical condition of the people has also been greatly ameliorated by the cheapening of food and clothing, and all the other necessaries of life, while their habitations and wages have improved. The protection of women and children under thirteen from excessive hours of labour, and the prohibition of the employment of women in mines, have had a practical effect beyond the mere letter of the law. Excessive hours of work for men are discountenanced by public opinion; factories and mines are subject to regulations for the protection of life and health; and what the law does not require, an intelligent sense of Christian duty often effects. The new hamlets, villages, and towns have, in the last half century, and especially in the last twenty-five years, been organized as centres of Christian influence by the building of churches, and chapels, and schools. We have spent many millions on these buildings. We probably now expend about 2,000,000*l.* annually on the education of the people. In the last quarter of a century literature has been cheapened for the use of the masses by such societies as that for diffusing useful knowledge, over which Lord Brougham has presided since its origin. The press has become the great instructor of the people in all social and political topics. An earnest practical effort has been within the same period made to foster in the working population habits of prudence by savings banks, in which 34,000,000*l.* are accumulated; by building and benefit societies, in which large funds have been amassed; by the possession of cottages and small freeholds; by temperance leagues; by societies of mutual improvement and mechanics' institutions; by advice, remonstrance, and example.

The chief object of this brief review of the social history of the most numerous class of our fellow-countrymen will have been attained if it tend to inspire a lively faith in their destiny; if it teach us to recognise in our history how all the elements of our social state inevitably react on each other; how each advance in order, in peace, in social polity, in civil and religious freedom, in the power of mind over matter, and especially in the divine influence of Christian charity, has slowly but surely emancipated our humblest classes from serfdom, from villenage, from pauperism, and now tends to lift them up to the enjoyment of all the privileges of intelligent freemen.

Nor have I been without hope, that while such a review may thus strengthen our faith in the beneficent tendency of all providential laws, we may, in contemplating their operation, learn to restrain a short-sighted impatience. One thousand five hundred years have elapsed in our history, and yet the theory of our Saxon constitution is only partially realized. The schools

of Edward VI. and Elizabeth only partially educate our middle class. Some generations must pass before home education in the cottage will generally worthily co-operate with the elementary school. How long a time will be required before the vast annual waste on intemperance is converted either into a means of rational enjoyment, domestic comfort, or into capital for the elevation of those who work with their hands! Whatever be the time required, we have to maintain our faith in the beneficent tendency of all great providential laws, whether in the great eras of material forces and animal life, or in the epochs of social change. All history teaches us, that as the earth was in the vast ages of geological development slowly prepared by one great design for the habitation of man, so in the history of our race, whatever have been the catastrophes which have overwhelmed empires—the internal ferments which have appeared for a time to cause a social chaos—slowly but surely, in the eye of Him with whom a thousand years are but as one day, man has been making a conquest of nature, asserting and exercising the dominion of mind over matter, emancipating himself from debasing animal instincts, raising class after class from serfdom, ignorance, and brutishness, and preparing for that reign of Christ in the hearts and institutions of mankind, when every man shall sit under his own vine and his own fig-tree, none daring to make him afraid.

Report

FROM

THE STANDING COMMITTEE AT LIVERPOOL.

ACTING on the resolution adopted by the Council at its final meeting in Liverpool, last autumn, the local officers proceeded to form this Committee by adding to their number three gentlemen whose position in the town and known pursuits appeared likely to give to the entire body a more completely representative character; and after several meetings had been held, they agreed upon a public Address, which was printed and widely circulated in the locality during the first months of the present year.

The interest excited by the General Meeting of the Association was thus in a great measure sustained in the locality, and directed to objects not only of immediate and local utility, but also to the organization of means for continuing, in future years, the movement so happily begun.

Besides the meetings of the Committee, two public meetings (on the 20th of April and the 14th of September) have been held at St. George's Hall, Liverpool, for general purposes. And two public meetings of schoolmasters and schoolmistresses have also been held (on the 6th and 12th of September), at the Hope Hall, Liverpool, for the purpose of eliciting, at the instance of Her Majesty's Commissioners, full and precise information as to the state and prospects of education in the town and its neighbourhood.

Your Committee have in their proceedings adhered to the division of topics already adopted by the Association, and they have the satisfaction of reporting, that upon each of them inquiries of more or less importance have been entered upon in this locality during the present year, and are either so far completed that their results have been laid before the Association at its present meeting, or are proceeding with a fair prospect of valuable results at no distant period.

In the department of Law and Jurisprudence, a portion of the statute law, that, namely, affecting the collision of vessels at

sea, and which has been shown by a recent decision at Westminster to be in a state likely to prove highly detrimental to the maritime interests of the country, has been carefully considered and compared with the corresponding laws of other countries, by a Committee of the Liverpool Chamber of Commerce; and the result, with a suggestion for the amendment of the law, has been laid before the Association, at its present meeting, on behalf of the Chamber. Active inquiry is also now proceeding as to the international arrangements necessary to check the cruelties sometimes inflicted upon seamen on the high seas.

The department of Education has received a large share of the attention of your Committee; and principally through the labours of the Rev. Mr. Howson, one of their number, this department has been extremely fruitful of good results. The Committee having made arrangements for co-operating with Her Majesty's Commissioners for inquiring into the state of education throughout the country (so far as it is yet under inspection), have been enabled to add to the local investigations previously determined on a careful and thoroughly practical inquiry into the educational condition of the population of Liverpool. The results of this inquiry have been laid before the Association, in a special Report, prepared by our colleague Mr. Howson.

In the department of Crime and Punishment your Committee have the pleasure of stating that the municipal authorities of Liverpool placed at their disposal the criminal statistics of the borough, as just made up for transmission to the Home Office, for the year ending with the month of September, in order that they might be made public at the present meeting; and that this has accordingly been done. And your Committee would suggest that, as these returns are annually made up in each locality at the same period, for transmission to the Home Office, the precedent thus afforded might, if generally adopted, add to the interest of the annual meetings of the Association, by making them the occasion for a general publication and comparison of the criminal statistics of different and important districts of the kingdom. Your Committee have also directed some attention to the sufficiency of the means at present in use for ensuring the detection and punishment of crime; and they have, through the agency of the Liverpool police, received satisfactory evidence that some descriptions of crime are in this locality so seldom followed by punishment, even when the criminals are known, and are also so lucrative, as to form a dangerous premium upon criminal habits, the effect of which has hitherto in a great measure

escaped attention. They refer in particular to three descriptions of crime:

1. *Robberies from the Person by Prostitutes.*—When the person robbed is a stranger in Liverpool (and of persons who are so there are always a large number in the town), or when he fills a respectable station in society, or is married, such robberies are, we find, seldom made public; and still more seldom prosecuted to conviction.

2. *Embezzlement by Young Men employed in Counting-houses.*—From the conjoint effect of two practices prevalent in Liverpool; one that of employing in the counting-house young men apprenticed to learn the business, almost to the exclusion of salaried clerks, and the other, that of keeping on hand large sums in cash, it appears that this form of crime is frequently committed under circumstances which do not admit of the application of the law. The friends of the offender, almost invariably interfere, when detected, and prevent prosecution by meeting the demands of the injured party.

3. *Larceny by Domestic Servants.*—Your Committee have no reason to believe that this offence is more common in Liverpool than in other similar towns, or that it there more frequently escapes punishment; but they cannot doubt that in a large majority of instances it is committed with impunity. In many instances, want of due care on the part of employers needlessly augments the temptation to, and facilitates concealment of the crime; and, in many more, unwillingness (on the part of the employer) to incur the trouble and exposure incident to a public prosecution of the offender prevents detection being followed by punishment.

Your Committee have also to state that a paper on the working of the recent legislation especially directed to juvenile criminals, has been presented at the present meeting by one of their colleagues, the Rev. T. Carter, chaplain of the Borough Jail.

In the department of Public Health, the attention of your Committee has been directed to the regulations under which the two hospitals of the town are at present open to foreign seamen. These hospitals are wholly supported by voluntary contributions, supplemented by certain charges made only to foreign seamen. They are open, without charge, to all persons, excepting foreign seamen. To them there is no admittance, unless the captain or consignee of the vessel, or the consul of the country to which the applicant belongs, will guarantee payment at the rate of 12*s.* per man per week. The occasional result, and one which, under such regulations, your Committee are disposed to deem unavoidable, is to place foreign seamen

requiring medical or surgical aid in Liverpool in a position not only extremely distressing to them, and more or less so to all who are disposed to sympathise with them, but such as to reflect disgrace upon the town, if not upon the country, in which it occurs. Your Committee would be happy, before suggesting any practical measure, to learn, from the experience of other localities, how this defect may best be remedied.

Your Committee are also disposed, from all the evidence they have been able to obtain in Liverpool, to entertain the opinion that the laws regulating the diet of persons on shipboard, with reference to *scurvy*, are not sufficient to effect their purpose; and they beg leave to suggest this as a fit topic for more general inquiry.

In the department of Social Economy your Committee have had their attention drawn especially to the ill success yet attendant upon the efforts hitherto made to improve the dwellings of the labouring classes in Liverpool. The lowest cost at which such dwellings, healthy in structure and convenient in locality, can be constructed appears to exceed the amount on which the classes of persons who require such aid can be induced to pay anything like a remunerative rate of profit. The subject, however, will continue to receive the earnest attention of your Committee; and they trust some solution of the problem may yet be found which may afford a better opening for the exertions of those who are disposed to labour in this particular section of social improvement.

In conclusion, your Committee have the pleasure of stating that arrangements are now in progress for the formation of a Permanent Society in Liverpool for the Promotion of Social Science, the purpose of which will be to adopt and to extend the labours which have hitherto fallen to your Committee. They have much satisfaction in tracing the design of this society to a willing and hearty appreciation of the labours of your Committee during the last twelve months; and they desire to express an earnest hope that the annual visits of the Association to other localities may, in like manner, give rise to the steady and persevering action of local bodies, formed to make known and to apply, with due regard to the circumstances of each locality, the social truths the Association itself shall from time to time develope and diffuse.

SELECT PAPERS,

NOTICES OF PAPERS,

ETC. ETC.

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unless the law be the child of the people's ideas, it cannot become the parent of them. When it springs out of the general sentiment, then it controls and directs it, and then only. A nation's laws are, therefore, among their best and most efficient instructors, and wise legislators have in all ages so regarded them. Hence, in any attempt to improve the social habits and conditions of a people, the state of the existing law and the changes proposed in it must be matters of great interest and importance. It is natural, therefore, to find that in our discussions, legislative mistakes and proposals for correcting them, legislative deficiencies and the mode of supplying them, have been always prominent topics. It is assumed that much of the social amelioration which is aimed at must be effected by the law, though it is frankly admitted that very much which is desirable is beyond its agency. On this question of the influence of legislation it is easy to err on the side of excess or of deficiency. Some would contend for the omnipotence of authoritative enactment to accomplish a social revolution, and would seek to effect it by the employment of such machinery exclusively. Others are for relying entirely on moral means of improvement and voluntary agencies, holding that Acts of Parliament are quite inefficient in relation to such matters. Experience, I think, teaches us the wisdom of employing both classes of agency; and invites us to invoke, on the side of social improvement (as this Association does), both the influence of opinion and the force of law, the freedom and energy of personal and spontaneous effort, and the authority of well-considered legal provisions. The two will effect much if they co-operate, little if they conflict one with the other. A bad law will neutralize an immense amount of benevolent enterprise, frustrate the operation of the best-laid schemes, and inflict great social mischiefs on the State. A good law will aid all the exertions of philanthropy, will reinforce by public and official sanction what is wisely and humanely attempted by private citizens to better the condition of the people. For a law cannot be neutral; unless it be one which was still-born, which has been buried in the Statute-book from the hour of its birth, and into which the spirit of life never entered; so that it has never gone forth among men to work either for evil or for good. It must operate either to retard or to accelerate the improvement of the people. Our history abounds with illustrations of this truth in every department of legislation and in every aspect and province of social life.

Investigate our commercial history, and see the effect which legislation has had on our social condition. A single instance must suffice. Some centuries since laws were framed with the express object of encouraging foreign trade and adventure. What was the result? Foreign trade increased to so large an extent that the whole character of our agriculture was affected by it; the face of the country was changed; the food, the dress, the pursuits of the people became different from what they had been. Nor was this all. The feelings, opinions, and habits of the people were modified; the colour and current of their thoughts were changed. Their intellects were

quickened, and their attention was directed to foreign countries, foreign enterprise, maritime adventure, and colonization. Mentally and morally, as well as in their physical condition, the people altered; and they altered also socially and politically. The increase of wealth, the introduction of luxuries, the success of trade speculation, varied—sometimes even inverted—the relations which had subsisted between the different classes. Personal property grew rapidly and enormously, and it brought with it new rights, and set up a new aristocracy—that of trade, beside the old aristocracy of birth and landed estate. Feudalism died out as the nation became traders, and with it died a whole class of relations and sentiments which had subsisted for ages. The England of the Stuarts was no longer, even in physical appearance, the England of four centuries earlier; still less were the people the same; and this change, complete as it was, had been the result of law and the public feeling working together. Both had done much to work the revolution, nor is it possible to attribute it in definite proportions to either. Foreign trade would not have sprung up simply in obedience to an act of the Legislature; but the law dictated by the public sentiment, or, at least, in harmony with it, dug a channel in which that sentiment might flow with more freedom and more force. It gave definiteness of aim, and facility for action, furnished helps, removed obstacles, strengthened private exertion with public sanction, and so brought about a result which mere feeling not embodied in a statute could not have accomplished. It was as a lever to the hand which wields it, concentrating, directing, and multiplying its power.

So much for the efficiency of law as co-operating with the people to work a social change. But we have said that the law is not only effective, but effective for good or for evil—not neutral. Our every effort in the direction of Law Amendment assumes this point. Objections are urged to existing provisions because they are deemed mischievous in their effect upon the people. New laws are demanded, because it is said they will exercise a salutary influence upon our social and moral condition. Nearly every page of the two volumes which record our proceedings furnishes illustrations of this. Proofs from our commercial code are abundant—our law of debtor and creditor—our bankruptcy and insolvency systems—our revenue laws—are severally criticised and condemned as tending in various ways to the injury of the people, as diminishing the force of the motives to prudence and integrity in mercantile transactions, and even furnishing incentives to rashness, improvidence, and dishonesty.* A law which deals with every insolvent on the same principle, whether his commercial position be the result of misfortune or of extravagance, temerity, or folly, amounting well nigh to fraud, is said to be not only unjust but impolitic, as tending to foster inaccurate and unsound views, to confuse moral distinctions, and

* See the paper by Mr. William Hawes, on 'The Effect of Commercial Legislation on Commercial Morality;' *Transactions*, 1857, p. 91.

confound together crime and calamity. And it must be admitted that, so far as it is obnoxious to these censures, in addition to the actual wrong done by such a system both to debtors and to creditors, there is another and a greater wrong done to society by the lowered tone of public morality and popular sentiment which results from this indiscriminate judgment and treatment of the innocent and the guilty, the unfortunate and the criminal. Here the law, which should corroborate and sustain the public moral sense, wounds and weakens it, and hence those render a great service who, representing a higher tone of honesty and morals than the law now embodies, seek to bring statutory enactments into conformity with this higher standard, and make the law minister to individual and general integrity and not detract from them.

Another example is furnished by our revenue laws. It has been objected to them, and justly, that the imposition of excessive duties multiplies the incentives to fraud. The profits of successful evasion are so large as to make the perils and penalties of detection inadequate to deter the unscrupulous trader from smuggling, or from purchasing what he must know has been smuggled. Here the average morality might be proof against average temptation; but the largeness of the pecuniary benefit to be secured is too much for conscience to contend against, and the dishonesty of the transaction is overlooked or disregarded that the profits may be secured. In such a case it is plain that, in point of fact, though not in intention, heavy bounty has been offered to fraud; and so long as the law continues in operation, it has a direct tendency to multiply smugglers, and those who support them; and so a large class of the population are made worse by the law, and the social condition of the people is so far injured.

Another instance of the unhappy moral effect of unwise laws was afforded by the innumerable official and other oaths, in reference often to the most trivial matters, which at one period disgraced our commercial code, at once indicating, increasing, and perpetuating a low tone of feeling in relation to veracity. Obvious examples of the same doctrine, the influence of the laws upon the social condition of the people, are furnished by those which regulate the relations between labour and capital, master and servant, the employer and the employed. They may either be so framed as to promote, or as to retard the progress of the labouring classes in social comfort, respectability, and independence. Eight hundred years ago villenage, a modified form of domestic slavery, prevailed throughout this country. That system died out, by reason of a gradual improvement in the sentiments of the people, and a great national institution became extinct, and a whole set of relations between different classes of the population were modified by force of public opinion; and then this improved public opinion prescribed the requisite changes in the law, and thus it came to pass that the social condition of the people in all matters relating to labour and capital was ultimately determined by popular sentiment and public statute.

Among the agencies which determine from time to time the social condition of the people, literature and art hold a prominent place.

What the people read is of great moment both as an indication of what their mental and moral condition is, and of what it is in the act of becoming; and the amount and character of popular literature depend upon many and diversified conditions, which in their turn depend upon the provisions of the law. For example, the abolition of a stamp, of even a trifling amount, may multiply incredibly an entire class of publications, and alter their whole tone and character. The repeal of the penny stamp on newspapers has been said to have had the effect of purging the department of journalism of much which disgraced it, whilst by great reduction in price it brought within reach of millions a literary luxury unknown to them before. That this happy result may be secured and perpetuated, it is urged that the tax upon paper should be abolished. And that due encouragement may be given to genius, both literary and artistic, to keep up a good supply of works in both departments, to meet the popular demand, the law of copyright has been repeatedly altered; though perhaps it still needs further amendment, especially as to works of art and the authors of them. In reference to all these subjects, it will be found that an enlightened public opinion will obtain an amended law, and the amended law will re-act with happy effect upon the people and their instructors.

But modern legislation affords instances of our doctrine even more appropriate and significant than those we have mentioned, and more closely connected with the business and objects of our Association. I allude to measures for the prevention and punishment of crime, and the reformation of criminals, to those for the promotion of sanitary objects, and to those designed to awaken and cultivate in the minds of the working classes a spirit of providence, temperance, and independence. In these departments, whatever has been done by the law has been the direct result of benevolent effort. Philanthropic persons, profoundly impressed with existing evils, and desiring to mitigate or remove them, have by incessant exertion at length aroused public feeling on the subject, and after years of toil have so informed and impressed the popular mind, that both opinion and effort became definite and precise on many momentous subjects; and then the Legislature stepped in to aid the work. Every Act passed to protect the helpless classes of the community, to shorten the hours and lighten the character of labour, to relieve women and children from incessant and overtasking toil, was passed in deference to an intelligent public feeling; and it then co-operated with that feeling to accomplish its beneficent purpose.

So with respect to our vagrant, destitute, and criminal classes. The necessities of their condition, the rapid and appalling increase in their numbers, the infinite perils and mischiefs with which they menaced our social state, quickened the ingenuity and energy of benevolence. Ragged and industrial schools, refuges, reformatories, asylums for discharged prisoners, multiform schemes of prison discipline, sprang into being. Many of them have been taken up and are sanctioned by the law, and one cannot help hoping and believing

that what private philanthropy has thus originated, and public authority stands pledged to assist and promote, will issue not only in a great success as regards the direct object, but will also have its effect on the entire mass of popular sentiment on the subject, and bring us all to the conviction that duty and interest, the highest obligations and the lowest calculations, concur to make imperative upon society the most urgent, constant, and unremitting efforts to rescue the degraded, sustain the tottering, and restore the fallen, so that the most formidable of our social evils may be met and mastered by a benevolence, operating not only through the law, but above it and beyond it. For sympathy is mightier than law, wider in its range, warmer in its grasp; it rises higher, it plunges lower, its whispers are more effective than the thunders of legislative decrees. Legal enactments may often promote its objects, but they can never do its work or supply its place.

Before leaving this topic, let us glance at the subject of intemperance, and see how Acts of Parliament may damage or do us good in relation to this question. What mischiefs, nameless and numberless, have sprung from the indefinite multiplication of beer-houses throughout town and country. On the other hand, what unspeakable good was effected by the closing of all such places from midnight on Saturday to the afternoon of Sunday. It changed the appearance of our streets and lanes, it blessed the hovels and cottages of the poor, by giving, for the time at least, to the humble home a husband and a father. Or, consider the happy result of a recent law as to vagrant and destitute children in Scotland. They may now be snatched from actual penury, and from the peril of crime, and may be consigned to a benevolent custody, where, sheltered from temptation, they may grow up to strengthen and adorn the commonwealth, to which they must have become only a cost and a curse, had they continued to roam uncared-for. The limit of such legal interference is a fair subject of debate, the advantages which flow from these examples of it can hardly be brought into controversy.

Before concluding these slight sketches of the effect of law on our social condition as a people, I cannot refrain from touching on one topic which at the present time seems of some importance. In moulding the opinions and feelings of the people, perhaps the actual provisions of the law have done less than the process of its administration. Administration of the law is, among ourselves, characteristic and unique; it is administered by the people themselves. In no country of Europe do the people take the share in distributing justice which is taken by our own countrymen. The appeal is always to them. If the controversy is between the Crown and the subject, twelve grand jurors must indorse the accusation before the accused can be tried; and before he can be condemned, twelve others, of his own class and station, must concur that he is guilty. If the dispute is between subject and subject, here, also, the arbitration of their fellow-subjects is appealed to, and a jury decide the disputed questions between the parties. In minor criminal charges the tribunal throughout the country is a lay tribunal, the gentry of the several

counties. Those at petty sessions as magistrates, as grand-jurors at assizes, the yeomanry and tradesmen as petty jurors at quarter sessions and assizes, assemble periodically to administer justice both civil and criminal. The most momentous issues are decided by them, the most important interests are confided to them, the most solemn questions are left with them; property, character, liberty, life, these are all entrusted to the people assembled, impanelled and clothed for a time with the awful authority of the law. And upon the whole well and wisely, diligently and faithfully, have these functions been fulfilled. From age to age, men in humble station, from town and village and rural hamlet, have been summoned to these weighty and responsible duties. They hear the law ably expounded, the facts skilfully commented on, and with this guidance they proceed to judgment. It is impossible to doubt that a liability to be called on to fill the office of a juror, still more the frequent discharge of that office by so many thousands of the population, must have had a great effect upon the minds of the people. Their obedience to the law, their reverence for it, their confidence in it, and the officials who administer it, must be the result of this large experience of it. They are loyal to an administrative system so popular in its construction, so successful in its working. May there not be some peril lest, if we make that system professional and official, we shall first diminish the interest the people take in it, then weaken their attachment, then shake their confidence. Yet all modern changes of an administrative kind tend in that direction, and more are demanded. I do not condemn those changes which have been made; we have gained some advantages from them doubtless; but it is easier, perhaps, to count our gains, than estimate the extent of our loss, if there be any. Of this we may be certain that no benefit can compensate us for the loss of public confidence in the administration of justice. A perfect system and popular distrust is an ill substitute for a somewhat anomalous or defective machinery, but one worked by the people themselves cheerfully and successfully, and one with which their feelings and experience are identified.

I have argued that public law moulds national character. May I not ask, Ought it not to be so? The theory of our constitution gives us for legislators representative men. Our senators should be the wisest and the best among us. Legislation should be the ripe fruit of their wisdom and virtue. Its enactments should enshrine and perpetuate the highest form of the national thought, the noblest aspirations for the public weal. The loftiest patriotism—the longest experience—the profoundest lore—the most practised judgment—should combine in framing them; and when they speak in precept or in prohibition, their voice should be heard with as affectionate a reverence, as with a salutary fear when they speak in penalties. Their tones should be neither discordant nor uncertain, nor should a single note be below the moral pitch of the popular sentiment—rather should each be higher by just so much as shall fit it best to evoke and to guide the social harmonies of an educated, an industrious, and a truly Christian people.

THE METHOD OF LEGISLATION.

On a Declaratory Code. By EDWARD WEBSTER, *Barrister-at-Law.*

ON taking leave of the Juridical Society as its President, the Attorney-General (Sir R. Bethell), when speaking of codification, observed, 'many persons talk about codification without the least notion of the meaning or effect of the word.'*

In this stage of my observations I therefore remark, that by the word 'codification' I mean a systematic digest of the whole body of our laws, declaring in the form of simple but comprehensive maxims what the existing law is, whether it be perfect or imperfect, capable or incapable of being altered or amended.

By the process of codification, I do not mean amendment—amendment is one thing, codification another. Codification recognises no new principle, no new law: it is declaratory only. The process therefore would be a notification in intelligible language and under appropriate heads, of the existing law, with liberty to the codifier to suggest amendments; all which should be distinct and separate from the code, each suggested amendment standing in a column, side by side with the law proposed to be amended or altered. Thus the process would show on the one hand the existing law; on the other, in what respects it required amending or altering.

It will be observed that our laws have no one origin, and that they are varied in their character. They are nevertheless capable of being classified into two distinct branches, viz., the unwritten and the written law. The written law being our statutes or Acts of Parliament; the unwritten law being all our law not statutory. The unwritten law is also capable of being classified; or, rather, it actually consists of two distinct branches, viz., common law and equity; the former being rigid rules of the law, the latter modifying and tempering the former when too strict an adherence to it would be productive of injustice. The whole body of our laws, written and unwritten, including those that have ceased to exist and those now existing, are contained in about thirteen hundred volumes, and are confusedly intermixed together throughout the pages of them. Twelve hundred of these volumes contain the unwritten law, the remainder our statute law or Acts of Parliament. Down to the close of 1853 our public general acts were 16,379 in number; but after deducting acts repealed, acts virtually repealed, acts obsolete, acts expired or virtually expired, acts relating solely to Scotland or to Ireland or to the colonies, and acts merely local and personal, 2599 public general acts were then in operation.

The enormous number of our laws contained in these almost interminable books, which are annually increased in number, is a necessary consequence of the circumstances under which law has from time to

* *J. S. Papers*, vol. ii. p. 134.

time sprung into existence. We are members of a nation progressing in civilization and wealth, and we have never had any written laws except acts of the Legislature applying to some special matter, those acts being framed upon no uniform principle, system, or plan. As wealth increases, property increases, and is multiplied into divers varieties; and the conditions on which it is held become more numerous and different, and hence a larger number of questions of disputed right arise between man and man.

It may indeed be fairly argued, that codification at some period of the existence of any nation progressing in wealth and power becomes indispensable to its welfare; since without it laws must become so confused and uncertain as to undermine social morality, which is the security on which wealth is based, and by which it is augmented. Our judicial decisions have become so numerous and conflicting that it is almost impossible to advise with certainty on any question on which a doubt may be hung; whilst as regards our statute law, notwithstanding the labours of the Criminal Law Commission of 1832, of Lord Cranworth's experimental Board of 1853, and of the recent Statute Law Commission, nothing effective has yet been done. It is, however, at last in the course of being discovered that our statute law is for the most part inseparable from our unwritten or general law, and that what the nation requires is a declaratory code of the whole body of the law.

As proof of the extreme uncertainty of the present state of the law, so far as it depends on judicial decisions, I may here remark, that in 1856 about 105, in 1857 about 114, and in 1858 about 181 reported judicial decisions were either impeached or overruled; whilst our real property laws have grown into a sysem so abstruse and complicated, that the Conveyancing and Registration Commissioners of 1846* seem to have been of opinion that the transfer of land could not be improved without a previous reform of our real property laws. Further investigation has proved that idea to be unsound, and now it is almost universally admitted that there is nothing in the nature of a title to land to prevent it, even under our present real property laws, being transferred on a principle analogous to the transfer of ships, railway shares, and money in the public funds.

The practicability of making a code of our laws has been recognised by very high authority. Not only have we the idea expressly sanctioned by the present Attorney-General in his address to the Juridical Society before referred to, but the Criminal Law Commissioners of 1833, by their general report dated 17th July, 1835, recommended 'A complete and systematic consolidation of the law, accompanied with an adjustment of the enactments to precedent and judicial decisions†,' and in their seventh Report they not only produce a complete code or digest of our criminal law, but state 'that, as regards the unwritten or common law, the rules deducible from a mass of authorities, though frequently of a conflicting nature, are yet

* First *Report*, p. 46. † *Parliamentary Papers*, vol. xxxv.

susceptible of precise distinction and arrangement under appropriate heads.'

It is a lamentable fact, and as injurious to the public welfare as it is lamentable, that whilst every other science has been simplified and reduced into order, that of law-making remains in a condition absolutely barbarous. Neither skill, learning, nor experience have as yet been applied towards digesting our laws and declaring what they are. All of us, but the merchant and capitalist especially, suffer serious evils from this state of the law, since it necessarily generates litigation. True it is, our laws, owing to the gratuitous and patriotic, and often thankless, labours of a few professional and non-professional men, have been of late years in many respects amended; but the amendments have been effected by fragments, piecemeal, a bit here, a bit there—and no attempt has yet been made to reduce the whole body of the law into order.

How and why has this arisen? Because the legal learning and legal intellect of the country have never been employed in that most valuable art, viz., scientific legislation.

It is true we have always had able draughtsmen, but they have acted independently of each other. No general principle for the composition of our Acts of Parliament has been recognised. Hence our Acts of Parliament verify the maxim 'quot homines tot sententiæ.'

It is true also we have had most able expositors of the unwritten law, and yet what do we find? That our judicial decisions, which ought to be certain, are fluctuating and uncertain, and their effect is very frequently unascertainable without litigation. In short, owing to the hap-hazard manner in which the law is created and declared, although the nation enjoys liberty on every other subject, yet it is in a state of bondage as regards the law.

We are a lawyer-ridden people; our legal advisers have us entirely in their power, as much, indeed, as in former times in spiritual matters ecclesiastics domineered over the affairs of the soul. Now, if a code such as has been described were established, it would, without destroying the elasticity of the law, impart to the public the knowledge of a great number of existing and well-settled rules of law, whereby persons of ordinary understanding and ordinary pursuits would frequently be able to guide themselves aright. This code might, if competent persons were employed, be made in about five years, and, if made, our laws would be contained in five or six volumes, and the whole law on any question might easily be found.

I am happy to say the subject is attracting the attention of some of the most learned and powerful legal intellects of the day; but it is only by public support that it can become practically advantageous. It is by working on public opinion that great measures are effected. This measure is at present in its infancy, but many here, I hope, will live to see it grow into maturity, and become one of our greatest national institutions.

THE ADMINISTRATION OF JUSTICE.

On the recent Reforms in the Court of Chancery. By W. T. S. Daniel, Q.C.

THE subject of the present paper is the consideration of the effect of the recent reforms in the Court of Chancery, first, with reference to the transaction of business in the Judges' chambers; secondly, the mode of taking evidence before the hearing; thirdly, the mode of trying disputed questions of fact by the Court.

The Court of Chancery has long borne a very bad name—has, by former misdeeds, acquired a most unenviable notoriety. Very hard things have been said of it. This Court has been denounced in high places as little better than a public evil, and so incurably bad, that no sane man would think of adding to its jurisdiction.—*Nihil tetigit quod non destruxit.* Its ruinous and heartrending delays and expense, the immense preponderance of evil over good which it inflicted on its suitors, the many attempts to amend it, all proving abortive,—these have been relied upon as irrefragable evidence that it was incorrigible. *Delenda est Carthago* was the public cry raised against it!

Far be it from me to say that the Court, in its *unreformed* state, did not deserve all the obloquy heaped upon it—had not provoked the extinction which seemed to threaten it. But as, when all other remedies have failed, the apparently dying man is sometimes restored to health and vigour by the unsparing use of the knife, cutting out the deadly cancer, so, by the bold course of excising the old masters and their decrepit procedure and jurisdiction, the Court of Chancery would appear to have revived. When Jonah was thrown overboard, the raging sea grew calm and the ship righted. The observations I am about to address to you have reference to the Court of Chancery as it *is*, not as it *was*.

Although I would neither overlook nor undervalue the extent or importance of the several reforms which preceded the report of the Chancery Commissioners of January, 1852, especially those effected during the Chancellorships of Lord Lyndhurst in 1828, and Lord Cottenham in 1845, nor the excellent provisions of Sir George Turner's Act of 1850; yet I venture to date the commencement of an effective radical reform in the Court of Chancery from the time when the several Acts of Parliament for the abolition of the Masters, 15 & 16 Vict. c. 80, and the improvement of the jurisdiction of equity, 15 & 16 Vict. c. 86, came into operation—that is, the 1st of November, 1852. These, as you are aware, are the Acts which were introduced to carry into effect such of the recommendations of the Chancery Commissioners contained in the Report just referred to as it was deemed by Parliament expedient at that time to adopt.

Sufficient time has now elapsed since the changes effected by these Acts were introduced to enable some judgment to be formed of their character from actual experience of their working. These changes

have necessarily subjected the judges to increased labour and responsibility, and practitioners to the inconvenience of novel procedure and the risk of diminished income, but none of these considerations have operated to the prejudice of the changes. It is but mere justice to observe that the judicature and the profession, in all its branches, have co-operated cordially and zealously to promote their efficiency and secure their success.

The Parliamentary Return recently published, entitled *Judicial Statistics*, 1858, as analysed and arranged by Mr. Redgrave, contain a mine of most valuable information as to the working of the several branches of our civil judicature; and will materially assist the public and the profession in forming a correct judgment, not only upon the question, whether the reforms already effected have worked well, but upon the questions, what direction further reform should take, and what character it should assume. These returns, so far as they relate to the Court of Chancery, show that, while the business transacted in court has been stationary—perhaps declining, certainly not increasing—the business transacted in chambers has enormously increased; and that increase has not been sudden, but progressive, year by year. It is to this business, and some considerations to which it gives rise, that I beg now to direct your attention. The returns as to business transacted in chambers are represented to have been made up by the chief clerks, under forms prepared under the superintendence and with the sanction of the Judges. They show these results:—

Business done.	1858.	1857.	1856.	1855.	1854.	1853.
Summonses originating proceedings in chambers	650	654	518	447	463	475
Other summonses	15,427	14,528	13,896	11,639	10,974	6862
Orders drawn up in chambers for time to plead, &c.	4038	3756	3855	3847	3498	2550
Orders made in chambers to be drawn up by the registrars	5504	—	—	—	—	—
Advertisements	961	871	878	889	794	500
Certificates	2211	2101	2004	1802	1346	396

The above returns do not include the year 1859.

The half-year's return for 1859 is as follows:—

Summonses to originate proceedings—

For the administration of estates	137
Under the Charitable Trustees Act	17
For appointment of guardians and maintenance of infants	59
For other purposes	23
	236

Other Summonses	5864
Orders made of the class drawn up by the registrars	2067
Of the class drawn up in chambers	1862
Orders brought into chambers for prosecution (including nine for winding up companies)	790

Debts claimed and adjudicated upon—
Number of debts 8729
Amount of debts proved.. .....
£3,973,696 0 0

Accounts passed (other than receiver's accounts)—
Number of accounts 413
Receipts therein..... £2,544,094 0 0
Disbursements and allowances therein £2,274,592 0 0

Receiver's accounts passed—
Number of accounts 183
Receipts therein £449,326 0 0
Disbursements and allowances therein £344,542 0 0

Sales of estates under orders of Court—
Number of sales 262
Amount realized ... £1,075,263 0 0

Purchases of estates under orders of Court—
Number of purchases 43

These are exclusive of business transacted under winding-up orders.

Winding-up business for 1858—

Number of contributories included in lists of contributories 1456
Number of contributories excluded from lists of contributories 56
Amount of calls made under orders for winding-up companies..... £2,498,749 9 8
Number of appointments (by summonses, adjournment, or otherwise) disposed of 14,136

The returns also showed—

Number of orders under which accounts and inquiries are still pending..... 2709
Number of orders for winding-up companies still pending... 66

These returns exhibit an amount of business done which cannot fail to excite public attention. The quantity is astonishing! The question immediately suggests itself—how has it been done? Is it merely so much business despatched? or has justice been satisfac-factorily administered in the great number of cases which have thus been dealt with and decided upon? It cannot be doubted that in the result and consequences of the business thus transacted very many persons must have been more or less seriously affected; the public hears no complaint of injustice done, or justice denied. Is the inference warranted, that justice has been well administered? Many of the cases must have involved the decision of important questions of law and fact; and the opportunity of raising these questions, and having them properly discussed, ought to have been, and it may be presumed has been, afforded. If the question has been one of law, it must have been argued; if of fact, it must have been properly sifted, and evidence taken when necessary, or surely discontent and dissatisfaction on the part of the suitor would be heard.

Speaking in the interests of the profession and the public, I think it would have been more satisfactory if the returns had shown something more than *the quantity* of business done. In my judgment, it would be very desirable to know how the business has been distributed between the chief clerk and the judge; how many contested orders have been made and adjudicated upon; and how many by the judge, personally, after hearing the parties, and the evidence, and how many by the chief clerk, personally, without the interference of the judge; in how many cases evidence has been taken, and whether

by affidavits or oral examination of witnesses, and whether before the judge or the chief clerk, and what has been the procedure by which the true question to be tried has been ascertained.

The proper decision of the grave and important question, adverted to by the Chancery Commissioners in their Report, of blending our courts of Common Law and Chancery into one court of universal jurisdiction in civil cases, or, as generally understood, *the fusion of law and equity*, may, as it seems to me, be importantly affected by the experience derived and to be derived from the mode of transacting business in the chambers of the Chancery judges. But the public requires more information upon the details of these proceedings than it is yet in possession of, before any positive judgment can be formed. If, however, the simplicity of the procedure adopted in chambers can be made effectual for the proper and satisfactory decision of the many important and complicated questions which may and do arise, then, if also it may be assumed that the quantity of business already done has been done to the satisfaction of the suitor, it may be thought that we have made some progress towards the solution of that most difficult problem, how to administer the maximum of justice at the minimum cost of time and money to the suitor; and we may be disposed to believe that a system of summary procedure, conducted from the beginning and throughout under the personal superintendence and control of a judge of high authority and full jurisdiction, *par negotiis nec supra*, assisted by competent ministerial officers, acting under him, and in direct personal communication with him, might be made of universal application in civil cases, and the artificial distinction between law and equity as it exists in our present system of procedure be done away with. Under such a system it would be unnecessary to consider whether the demand or the defence was legal or equitable. Under it circuity of action, as well as prolixity and falsity of pleading, might be avoided. The seemingly endless series of tormenting equivocations which once constituted, if they do not still constitute, the distinguishing features of common-law pleading, would be out of place. Declarations, pleas, replications, rejoinders, surrejoinders, rebutters, surrebutters,—these would cease to interest any but the legal antiquary. The failure of justice so often arising from restricted jurisdiction and imperfect procedure need no more occur. A plaintiff in equity need never again have his bill dismissed because his remedy was at law, nor a defendant-at-law be driven to equity for protection. The evidence might be taken in the mode which the interests of justice required—written when sufficient, oral when proper. The true question to be determined would always be ascertainable, and might, therefore, be ascertained beforehand. Juries would no longer be summoned to try cases for which they were unnecessary or unsuited; their intervention would be reserved for those cases only in which it had been ascertained that the '*nodus vindice dignus*' existed. The trial would be in the form and before the tribunal best calculated to elicit the truth. The decision would be upon the real merits

without risk of failure through technical defect, for the judge would be present, superintending and controlling the whole procedure from the beginning to the end; preventing unnecessary litigation, immaterial issues, irrelevant evidence, and ensuring a decision on the true point. And, as a check on this judicial power, an easy and direct opportunity of appeal might be afforded for the correction of every error. If I might be allowed a familiar illustration, I would liken the influence and effect of the judicial control of which I have spoken, in keeping litigation within its proper limits, and confining it to its proper object, to the operation of the cotton-spinner, who in order to secure the production of a good yarn, gets rid of 'the devil's dust' as early and effectually as possible; or, again, to the operation of the combined threshing and winnowing machine used by our agricultural friends, which is always blowing away the chaff, while it is, at the same time, separating and securing the grain.

I may also observe that the judicial statistics to which I have before referred are valuable for another purpose, to which I may be permitted to allude. They show the returns of a limited local jurisdiction, in which equity is administered on the spot, namely, the Court of Chancery for the County Palatine of Lancaster. If justice is well and satisfactorily administered in that court in the matters exhibited in the returns contained in these statistics, Yorkshiremen may ask themselves this question—if local administration of equity is beneficially applicable to Lancashire, why should it not be with like benefit applicable to Yorkshire? and if to Yorkshire, the general public may ask why not throughout the kingdom? The example and experience of Lancashire supply matter for reflection.

I now come to the second subject proposed, namely, the mode of taking evidence before the hearing upon disputed matters of fact. The mode is this—the pleadings in all their prolixity and complexity (for they are still sometimes unnecessarily prolix and complicated) being complete, either party, if the other do not object, may prove his case by affidavit, and the other party is at liberty to cross-examine the witnesses *vivâ voce* before an examiner. If affidavits are objected to, then the witnesses must be produced for examination *vivâ voce* before the examiner, with power to the opposing party to cross-examine. If affidavits are used, they are prepared by the professional adviser of the party using them. The examination and cross-examination are conducted in the presence of the parties, with or without professional assistance, and the examiner takes down the effect of the witness's statement in the form of a narrative, with power to take down question and answer if specially important, and he think it right so to do. These examinations, when completed, are signed by the witnesses, certified by the examiner, and returned to the Office of the Record and Writ Clerks, who deliver out office copies for the use of the parties. There are two permanent examiners, officers of the court, expressly appointed for the purpose of taking evidence, but special examiners may be appointed for particular cases. The examiners, whether ordinary or special, have no power to determine the

relevancy or irrelevancy of the evidence, or the propriety or impropriety of any particular question. If objection be taken to the evidence or question, the examiner's duty is to note it on the examination, so that the Court, when the evidence is used at the hearing, may decide upon its propriety, and admit or reject it as may be just. At the hearing, the judge has these written documents, whether affidavits, depositions, or cross-examinations, before him, and decides according to his view of their effect. If he is not satisfied, he has power, *if he sees fit*, to require the attendance and oral examination before himself of all or any of the parties or witnesses. This system was recommended by the Chancery Commissioners, and that recommendation was adopted by the Legislature; and effect is given to the system and its details by the Acts before referred to.

As applied to cases of undisputed facts, or facts which, not being denied, require only to be substantiated to the satisfaction of the Court, or the party to be affected by them, the system works well enough, but as applied to disputed facts, it is, in my humble opinion, not only inefficient, but positively mischievous. It will be observed that the system is neither entirely secret nor entirely open. It is not secret, because the parties and their legal advisers know what the evidence is while in course of being given, the oral examination of witnesses being conducted in their presence. It is not open, because the oral examination does not take place in public, nor in the presence of the judge who has to decide upon its effect; and though the witnesses may be orally examined before the judge in public, this oral examination cannot be insisted on by the party *as a right*, it is entirely discretionary with the judge. The Commissioners, though recommending the system, appear to have been sensible of its imperfection, and to have adopted it as a middle course—a choice of evils. They say in their report (p. 21)—

> The object in all cases is to have the best guarantee for the truth consistently with the practical administration of justice.
>
> *The best course would doubtless be to examine and cross-examine the witnesses in open court before the tribunal which has to judge according to the evidence.* But, pratically, it would be impossible to carry on the business of a court of equity if all the evidence were taken *vivâ voce* before the judge; and the inconvenience to persons liable to be called as witnesses would be intolerable if they were brought to London and kept until the cause or matter was called on; while the expense to the parties would make justice itself too dear.

Speaking with great deference, I think the fear of the extent to which the taking *vivâ voce* evidence before the judge would disturb the ordinary course of business, as well as the expense, was exaggerated; but whether exaggerated or not, was not a sufficient or proper ground for the recommendation. I think it was exaggerated, because the cases in which it would be proper to take it, namely, those involving really disputed facts, are comparatively few, and those few might be ascertained when the pleadings are complete, and be kept separate and heard at appointed times, and this would allow of convenient arrangements being made for the attendance of witnesses; and I think that the practice once established of examining orally before the judge, would soon lead to an improved manner

on the part of counsel in conducting such examinations, tending greatly to precision and brevity. But if it should appear that such cases, when properly arranged and properly conducted, were too numerous to be satisfactorily disposed of by the present judges consistently with the interests of the other suitors, the remedy surely would be to bring the judicial strength of the Court up to the requirements of the suitors, not to deteriorate the procedure of the Court, at the risk of sacrificing the proper administration of justice to mere despatch of business. If the quantity of current coin in circulation were not sufficient for the legitimate demands of commerce, would you not require the issue of more at the true standard—would you not protest against an attempt to increase the quantity by debasing the quality? *Justice* is surely not less valuable than copper, or silver, or gold. The system, however, has been tried, and it need not be questioned on theory, it may be condemned by experience. The chief evils are—the frightful and incredible quantity of useless and irrelevant evidence which is taken; the absence of all power to control the evidence before the expense of taking it has been incurred; and the little value, not to say worthlessness, of the evidence when the question turns, as in disputed cases it generally does, upon the credit of the witnesses. These evils were clearly and emphatically pointed out by Lord St. Leonards in the evidence which he gave before the Commissioners. He says, speaking of the mode then suggested and since adopted (App. p. 8):—

> I can conceive nothing more objectionable than that, because the judge would still be acting upon the evidence in effect before him, as it were upon depositions; that is, it would be written evidence, the expense would be enormous of shorthand writers and their notes, and of solicitors' copies of a voluminous mass of evidence for the use of the Court, and for the counsel. I may observe that depositions have at least this merit, they confine the thing to a point, you know what you are examining, and if there is no real use in them, they do not generally run to any great length. The moment you come to oral evidence, and test it by cross-examination, and have counsel, and solicitors, and parties present, the witnesses and the counsel would require some correction, and there is nobody there that I see to correct them; there would be no superintending person; the examiner would have no authority as regards a case which he has not to decide; which he is not competent to decide; which he has not the materials before him to enable him to decide, even if he were competent and had proper jurisdiction. It is quite clear that there would be no power of stopping almost any line of examination by the counsel. What would be the result? There would be a mass of evidence brought before you on paper that no man living in the course of business could get through; it would oppress you, and ruin the parties.

And again (App. p. 9):—

> I should consider the examination before witnesses, and counsel, and parties, without the judge who is to decide the cause, the most objectionable course that could be pursued. I should think that it would lead to scarcely anything but mischief; the extent would be so great, and there would be a want of control over the evidence whilst it was being delivered, and then at last, when you came to the written evidence before the judge, you would be in the same position as at present. You would not have the advantage which the judge-at-law has, who sees the witnesses, and observes their demeanour—the one is a drama performed before him, and the other is simply reading, and perhaps very badly reading, the play afterwards, without anything to give it life and energy. If you are to introduce evidence *viva voce* with proper effect, it must be before the judge in my opinion.

Practitioners of every class would, I believe, if appealed to, be able to bear testimony that the evils thus pointed out by Lord St. Leonards have been abundantly realized in practice. The extent and amount of the evil could not be judged of by any returns contained in the judicial statistics. These returns are confined to the period between the 22nd of May and the 1st of November, 1858, including, therefore, the whole of the long vacation; and the return from the Examiners' Office is confined to the number of witnesses examined, which is stated to be 113. This would not include examinations by special examiners. The return from the Office of the Clerks of Records and Writs, embracing the same period—namely, from the 22nd of May to the 1st of November—gives 83 as the number of depositions of witnesses filed. This would include depositions taken as well before the ordinary as special examiners; but it gives no information, nor affords any clue, as to the length, or relevancy, or expense of the examinations. These must be sought for rather from knowledge of individual cases, best furnished by practitioners. I will give one, which recently came under my own observation in practice:—A testator had died, having by his will disposed of, as his own property, a large trading concern, and considerable real and personal estate. His executors were two personal friends. He gave considerable legacies to two brothers and a brother-in-law, and the residue of his property he gave to his widow and children, six in number. The business had been carried on by him for upwards of thirty years in his own sole name, and the real and personal property not in business were the savings that he had made, and all the investments were in his own sole name. His confidential solicitor and his confidential agent assisting him in his business for several years before his death, never knew or heard, or suspected, that he was not what he appeared to be, the sole and absolute owner of the property bequeathed. He had been assisted in his business by the brothers and brother-in-law, to whom he bequeathed legacies. After his death, these parties set up a claim to participate in the property, on the ground that there was a partnership subsisting between them and the testator throughout the whole period, and that he was a trustee of their proportions. This claim was treated by the testator's family as unfounded. The brothers and brother-in-law filed a bill to enforce it. You will perceive the only question was *partnership or no partnership*. The claim was rested upon transactions which were alleged to have taken place long before the executors, or the solicitor or confidential agent, had any knowledge of the testator or his affairs. The executors, in their answer, speaking from such information as the books and papers of the testator would afford, denied the plantiff's claim, and alleged their belief in the testator's title. The executors were very closely interrogated, and the answer was very long, but, in substance, it only raised the issue of *partnership or no partnership*. Evidence was entered into, on both sides, by affidavit; each party, of course, as usual, framing the affidavits as best suited his interest. The witnesses were to be cross-examined, and arrangements were made

that the cross-examination should take place in the country; and a special examiner, residing in the country, was appointed for the purpose. Three parties were interested in the cross-examination—the plaintiffs, the executors, and some defendants in the interest of the plaintiffs. Each party attended the examiner by his solicitor, and two of them, upon each occasion, by counsel. The cross-examination lasted nineteen days, during the months of July, August, and October. Of those days, eight were devoted to the cross-examination of the defendants upon their answers, which, except for the purposes of discovery and the production of documents, could be of no value as evidence against the plaintiffs. Of these executors, one was a Dissenting minister, the other the clerk to a Board of Guardians. The Dissenting minister was under cross-examination and re-examination for seven days, and no small portion of the time spent in his cross-examination was devoted to merely personal matters, such as his education; the time and the manner of his entering upon the ministry; the chapels in which he had officiated; the number of communicants; and so on; the whole examination proceeded, as we may suppose, under respectful protest by the witness, earnest protestation by the opposing counsel, the examiner having no power in the matter beyond taking a note of the objection. The other defendant, the clerk to the Board of Guardians, was only subjected to one whole day's cross-examination, but this was of a similar character; the agent, however, had the benefit of four days' examination. The result, as you may suppose, of the entire cross-examination and re-examination, was the accumulation of an enormous mass of written depositions. These were duly returned to the proper office, copied and re-copied, and formed a portion of the brief of counsel for the hearing. In due time the cause came on for hearing, and, upon the opening statement of the plaintiffs' counsel, before this mass of evidence had been fully brought under the notice of the judge, he asked the defendant's counsel whether the only question was not *partnership or no partnership*, and whether it must not be determined by an issue. To these questions, the only proper answer that could be given was given, and an issue was directed. Away went, for every useful purpose, all the evidence which, at such a waste of time and money, had been taken. I by no means believe this to be a case without its equals, if not in degree, certainly in principle. But in this experience we have only realized the very evils which, with intuitive foresight, wonderfully accurate, Jeremy Bentham long ago portrayed in the *Treatise on Judicial Evidence*, written before the oldest of our living law reformers had turned his attention to the subject. Bentham thus sums up and comments on the characteristics of the several modes of taking evidence. He says, pp. 107 and 108 (Dumont's translation):—

Public Examination, conducted by the Parties, in Presence of the Judge.—These are the three cardinal points, by which the value of each mode must be estimated. If any of these be wanting, a proportional quantity of security is wanting.

Unpremeditated answers, questions put separately, questions arising out of the

answers, the whole operation conducted under the authority of the judge—these are the secondary securities which belong exclusively to the oral mode. They may exist without publicity, but they will not have the same strength; they will not be applied with the same zeal; there will always be negligence and distraction, the inevitable effects of custom and tedium. In the *monstrous system* in which the duty of examining is separated from that of deciding, in which the superior judge puts the oar into the hands of an inferior one—that is, delegates to him all the most difficult and laborious part of the procedure, reserving for himself only the more agreeable and imposing parts of it, the public attention is directed exclusively to the superior judge. The secondary personage, who works in the closet, thinks as little of the public as the public does of him. Many efforts are necessary to draw Truth out of the well in which she lies concealed; none are required to leave her in it. If he has a fixed salary, he will shorten his labour so far as he can do so without compromising himself. If he is paid by the number of hearings, or the quantity of writing, his interest will act the other way, and make him fertile in expedients to prolong causes.

Perhaps, however, it may be thought that one of the main evils to which I have referred—namely, the little value of the evidence to the judge—would be averted by the legislative provision before referred to, giving power to the judge to require the witnesses to be examined orally before himself at the hearing. And so I venture to think it would be, were that power exercised to its full extent, and according to the intention of the Legislature. For several cases have recently occurred, especially in the Appellate Court, in which, the power having been fully exercised, the results have been most satisfactory. The power, however, is generally exercised in a manner which I think very objectionable, and one which fails to accomplish the object intended —namely, to satisfy the judge, by oral examination in public before himself, of the credit which is due to the witness, and the value of his evidence. The course generally taken is, to treat the evidence already given by the witness as repeated by him before the judge, and to allow the opposite party to proceed at once to cross-examine. This course is adopted to save time, and proceeds upon the assumption that what the witness has sworn once he will swear again. The effect of the proceeding is this. The judge has the written evidence before him, and upon that has already formed some opinion, favourable or unfavourable to the witness. If unfavourable, the cross-examination is unnecessary for the interest of the party who alone can cross-examine, and his counsel (acting judiciously) declines to avail himself of the opportunity. If favourable, the witness having already obtained credit with the judge before he has been subjected to any oral examination, the cross-examiner has the onus thrown upon him of removing from the mind of the judge an impression which has prematurely, at least, if not improperly, been there formed. A shrewd and clever witness soon feels this to be a protection to him, and, under cover of it, he is able to maintain an advantage over his questioner, by treating every question pointed to his motive or interest, or tending to impeach his credit, as a harsh and unjust attack upon him. Cross-examination, to be useful or effective, as to motive or credit, should grow out of the examination in chief. What would be thought if, upon a trial before a jury, the prosecuting counsel were to put in

the depositions of the witnesses taken before the committing magistrates in the presence of the accused, and upon the plea of saving time, and the presumption that statements once made upon oath would be repeated, merely offer the production of the witness for cross-examination before the jury? Such a course would not be tolerated. Upon this point is there any difference between a criminal and civil proceeding? Surely none—in each case the truth of the fact is the *all in all;* whether the fact is to be the foundation of a judgment in a civil proceeding, which may ruin a man in character or fortune, or of a sentence in a criminal proceeding, which may affect his liberty or his life. The only true course, as it seems to me, is to ascertain beforehand, by a proper proceeding, whether the case is one which requires that the fact be ascertained by oral evidence, and if that be determined, then to make it the right of the suitor to have the evidence taken publicly before the tribunal which has to determine upon its effect. I will illustrate the advantage of taking evidence *vivâ voce* before the judge, by referring to the case of *Martin* v. *Pycroft* (2 De G. M. & G. 785). This was a claim filed by lessee against lessor for specific performance of an agreement to grant a renewed lease. The defence was, first, an objection on the Statute of Frauds; secondly, fraud and misrepresentation. Affidavits at considerable length were filed by the defendants supporting the case of fraud and misrepresentation. These were answered by the plaintiff, and the fraud and misrepresentation positively denied. The claim was first heard before Vice-Chancellor Parker, who dismissed it on the ground that the objection on the Statute of Frauds was fatal, but without costs, considering that the case of fraud and misrepresentation was not made out upon the affidavits. The plaintiff appealed against this judgment. The appeal came on to be heard before the Lords Justices Knight Bruce and Lord Cranworth, in July, 1852, just after the Acts abolishing the Masters and improving the jurisdiction in equity had passed, but before they came into operation. Upon the argument at this hearing their lordships decided that the objection on the statute was not well founded, thus reversing the Vice-Chancellor's judgment on the point of law. But, upon the question of fraud and misrepresentation, they were of opinion, *judging from the affidavits*, that the case was so far established against the plaintiff that his appeal must be dismissed, unless he desired an inquiry, under which the witnesses who had made affidavits might be orally examined either before a Master or in the following Michaelmas term before their lordships. The plaintiff asked for the inquiry, and that it might take place before their lordships. In the following Michaelmas term, the witnesses and parties were accordingly examined. The examination lasted portions of three days—the 13th, 15th, and 16th November. Judgment was reserved, and on the 25th of November was delivered by Lord Cranworth. The result was, that the case of fraud and misrepresentation failed. The defendants and their witnesses were disbelieved, and credit was given to the plaintiff. By this full examination of all the parties and their

witnesses before the Court, right was done; any other course would have been a denial of justice to the plaintiff, whose means would not have enabled him to meet the expense of an inquiry or an issue or an action.

The third matter upon which I propose to observe, is the mode in which the Court deals with the cause at the hearing. If a difficulty of fact present itself at the hearing, the Court, though it has jurisdiction, is disinclined to try it if the trial can be avoided. The result is, the question is sent to be tried at common law, either as an action or an issue—very frequently an action. This course inflicts grievous injury on one, sometimes on both suitors. The Court has now jurisdiction to try every case, whether of law or fact. It is forbidden to send cases involving questions of law to the common-law courts, but a common-law judge (or two if desirable), is summoned to sit with and assist the Equity judge in the hearing and decision of the question. This course has been frequently adopted, and has been of great benefit to the suitor. But the trial of questions of fact is unfortunately discretionary, and this discretion has never yet been exercised in favour of the suitor. On the probability of such a discretion being exercised I would not venture to express an opinion, but I may be permitted to refer to the evidence given by Lord Cranworth before the Chancery Commissioners. In answer to a question whether if a suggested proceeding were made dependent upon the discretion of a judge it would not be likely that the discretion would never be exercised, Lord Cranworth says (App. p. 26)—'I am afraid it might. Judges in my experience are a little apt to be too sensitive about being wrong, and trying to escape from positions in which they incur responsibility. I believe that evil is sometimes done by that.' In my humble judgment, it is right that when any particular course of procedure has been decided to be proper for any particular case, the suitor should be entitled to require that that course of procedure should be adopted, and that it should not be left to the discretion of the judge. I would instance the case of *Farina* v. *Silverlock* as an illustration of the injury done to both parties by the Court not disposing of the case itself. That was a bill filed by the owner of a trade mark to restrain the defendant, a printer, from printing and selling labels which were a fraudulent imitation of the plaintiff's labels. The defendant denied the plaintiff's title, and insisted that the act done by him was not an invasion. The interlocutory injunction was granted by Vice-Chancellor Wood after a full hearing. The defendant did not submit to the injunction being made perpetual, but insisted on the plaintiff bringing the cause to a hearing. This was done; and at the hearing, having the same and some additional evidence adduced by the defendant before him, the Vice-Chancellor made the injunction perpetual by decree. Against this decree the defendant appealed. The appeal was heard before Lord Cranworth, then Lord Chancellor (6 De G. M. & G. 222). Upon that appeal the Lord Chancellor doubted whether upon the evidence it was established that the defendant had wrongfully invaded the plaintiff's title, and accordingly reversed the decree, thereby dissolving

the injunction, but retained the plaintiff's bill for twelve months, with liberty for him to bring such action as he might be advised. The plaintiff, accordingly, brought his action with due diligence; but owing to circumstances beyond his control, he was not able to try his action within twelvemonths, and was obliged to make a special application to the Lord Chancellor to extend the period (1 De G. & Jones, 439). This was done, upon the terms of his paying the defendant a large amount of costs, and, being a foreigner, doubling the ordinary security for costs. The trial at length took place. The plaintiff's title, as well as the defendant's wrongful invasion of it, were established, and judgment was obtained in the action, but not until after the expense of an abortive motion for a new trial. The cause was then set down again in Chancery, for hearing, upon the equity reserved, as the phrase is. It came on to be heard again before Vice-Chancellor Wood, who merely repeated the decree he had made two years before. During this interval the plaintiff was exposed to the loss arising from his title being in dispute, and costs amounting to not less than 1500*l.* were incurred, to the injury of both plaintiff and defendant; whereas, if the course had been taken which was taken in *Martin* v. *Pycroft*, and the doubt felt by the Lord Chancellor as to the propriety of the original judgment had been solved by a proceeding before the Court itself, the great delay and terrible expense would have been avoided.

I venture to think that the reform of the Court of Chancery will not be complete until its judicial arrangements are made of such a character as will enable it to decide every question, as well of fact as of law, by means of its own proper procedure, and without recourse to any other jurisdiction; and to that end to have the evidence in cases of disputed fact taken in public, before itself, with or without the assistance of a jury, as the circumstances of each particular case may require.

A brief Statement of the leading Principles which it is thought should regulate the Forms of Process in Suits in Civil Courts throughout the United Kingdom. By HENRY KILGOUR.

It is unnecessary to expatiate on the benefits which must accrue to society from the combination of the greatest simplicity, brevity, and clearness, with complete effectiveness for the discovery of truth, in the forms of process in all suits in courts of law.

To attain this result much further than it is attained at present, it is submitted that there ought to be as little *ex-parte* writing or statement in a cause as possible, excepting where it may be tested by cross-examination on the part of the opposite party *forthwith*. And to this end it is suggested:—

1. That the initial writs of processes should contain a brief specification of the demand of the plaintiff—this being the issue in the cause—

[illegible] be capable of being converted into the [illegible] form of a [illegible] by the omission of the word "whether."

The other parts of the writ would be—the announcement of the royal or other [illegible] authority under which the writ is issued; the names and surnames of the plaintiff and defendant; and the Court before which, and the time and place when and where, the parties are to appear. As a writ is regulated by the forms of judicial writs in the various kinds of actions; which forms would be altered by the relative Act of Parliament that would, of course, require to be prepared and passed on the subject.

2. If the plaintiff's demand should be admitted by the defendant, either expressly, or by his failure to appear in Court, judgment should be pronounced in favour of the plaintiff.

3. As written evidence, where it exists, is the most reliable and conclusive, and is in general the most easily obtained, and least expensive description of proof—should the defendant appear and deny the demand of the plaintiff, they should both, in the first place, be ordered to produce all documents bearing on the matter at issue; and such documents being produced, and being all or any of them, admitted, and no relevant legal objections or averments being made against or regarding them, so as legally to take away or modify their effect, were such objections or averments to be proven; and the parties having been heard on the documents admitted, judgment should then, if the matter at issue be seen to be sufficiently clear, be pronounced in favour of the plaintiff or defendant, as shall be just.

4. Should the documents produced and admitted not be sufficient to make the case clear, or should there be no documents at all, or should they not be attainable except by legal process from being in the hands of others, or from any other cause, or should they be legally objected to, the plaintiff and defendant shall then be examined and and cross examined in the matter of the suit; as the statements of the parties are, next to documentary evidence, the most conclusive (where they tell against themselves), and the most easily obtained, and least expensive description of evidence.

The parties would be examined either before the judge, or before a commissioner appointed by the judge.

The parties should then be heard on their statements, and on the admitted documents, if any, and, if the matter should not be sufficiently clear, judgment would be pronounced in favour of the plaintiff or defendant, as shall be just.

5. In all cases where the proof is documentary, or the statements of the parties, or both, and where damages require to be assessed on such proof, the parties may agree that the judge shall assess the same; or, if they do not so agree, the case shall be remitted to a jury for that purpose, when the parties may be again examined on any point.

6. Should the admitted documentary proof and statements of parties be insufficient to establish the demand of the plaintiff or the denial of the defendant, and should oral evidence be offered by both or either of the parties, an issue or issues shall be framed from the initial writ and the statements of the parties, which shall be remitted

for trial by a jury as at present. The admitted documentary proof, the statements of the parties, and the evidence of the witnesses, would all be laid, and would be pleaded upon, before the jury; and the parties could also be again examined before them as at present. The verdict would be applied in usual form.

If the plaintiff and defendant should agree, the judge may try the issue without a jury.

It would expedite the trials, a matter always much to be desired, were shorthand writers to take down the proof, under the dictation of the presiding judge; and under proper regulations, to make it immediately available for the judge's charge.

7. Short minutes of the essential points in the procedure would be recorded throughout by the Court, in all processes, so as to perceive if any of the parties had unjustifiably caused useless expense to the other party, in which the former would be found liable, even though successful in the action.

The course of procedure now detailed may, it is thought, be justly described as the natural form of process in law suits. If the existing admitted documentary evidence is sufficient to establish or negative the demand, it is of no use asking further evidence; it being, as already stated, the best, cheapest, and most reliable in the general case. If none exist, or if it be insufficient, let it then be ascertained what the parties themselves have to say, on oath, subject to the cross-examination of each other, and of the judge, or of the commissioner appointed by the judge. If this be sufficient, it is of no use examining witnesses; but if not, and if any oral evidence exists, it would then be taken.

Such a form of process would adapt itself to the peculiar circumstances of every case, in place of, as at present, the peculiar circumstances of every case being most clumsily, expensively, and with great delay, adapted to the forms of process; and it is believed that if the proposed forms of process were adopted, about one-fifth of all lawsuits would be decided on the documents; three-fifths on the statements of parties coupled with the documents; and only the remaining fifth would have to be tried before a jury: a result much to be desired for the saving of money, time, and patience, and the doing away of much evil.

Proceeding on the basis above stated, the forms of process in all the courts in England, Scotland, and Ireland could be assimilated—an object itself of the highest importance, and which, it is believed, can only be attained by adopting some comprehensive and rational view; which it is humbly thought and submitted the view above stated will, on due consideration, be found to be in all its leading points.

The form of process proposed, especially the examination of the parties, or of those who had been acting for them in the matter of the suit, and that almost at the very commencement of the process, would have a powerful effect in bringing revengeful, or foolish, or oppressive litigation to a speedy end. The *statements* of the *parties* would form the *record* in every action.

LAWS RELATING TO PROPERTY.

Charitable Trusts. *By* VICE-CHANCELLOR SIR W. PAGE WOOD.

I WOULD willingly bring before the consideration of this section several subjects of deep interest, which I could only refer to very briefly in my general address; but many reforms of the most pressing importance involve considerations too extensive to be dealt with in any paper that I have leisure to frame, or indeed that the section would have patience to listen to.

A general revision of the law of property is required. The distinctions of property into real and personal—its transmission, and the evidence of transmission—its appropriation to the discharge of the general liabilities of the owner—are matters, the importance of which, as subjects to which Social Science should be applied, can scarcely be exaggerated; and they may well occupy the attention of several committees to be appointed for their detailed examination. I will venture, therefore, only to offer some remarks upon a portion of our jurisprudence with regard to the disposition of property, which appears to me to be sufficiently isolated for the purpose of separate discussion. I refer to the laws which regulate the disposition of property for purposes called charitable.

The power over property, which our law concedes to its immediate possessor, has become so extensive, that many persons appear to forget the mode in which such power has been acquired, and the gradual advancement of civilization which is indicated by its existence.

There is in many minds a vague notion that man has a natural right to 'do what he likes with his own,' and that this right extends not merely to his enjoyment, during his own life, of such material advantages as he may acquire, but to the disposition of those advantages, and their mode of enjoyment by others, after his decease. That there is a natural *desire* on the part of all men to exercise such control over that which they possess is indisputable; but, whatever view may be taken of the existence or non-existence of a moral sense, anterior to positive legislation, which, by forbidding violence, secures to the individual the enjoyment of the acquisitions of his own industry, there cannot, upon reflection, be any doubt that upon positive law alone must depend the disposition of such acquisitions on his decease. When by death he necessarily parts with their possession, who is to become their owner?

Accordingly we find, as might be expected, considerable variety in laws relating to the succession to property of deceased owners; sometimes it is reclaimed by the State, sometimes by the original donor; more frequently it is allotted to the family of the deceased; but with a variety of modifications as to their respective shares, and it is only

at a late period of civilization that an owner is allowed by testamentary provision to exercise a posthumous control over its destination, either to the partial or entire exclusion of the State or of his kindred.

This control is in addition to any 'natural rights' he may be supposed to possess, whatever meaning be assigned to that expression.

No doubt, as civilization has advanced, it has been found that industry is encouraged, and the stability of political institutions is secured in proportion to the security afforded to the possession of property, and the enhancement of the privileges conferred on those who acquire it. Nevertheless a limit has, in every system of jurisprudence, been found necessary, beyond which the owner *at any given period* of *a given property* has not been allowed to control its destination.

Thus in our own country, property cannot, as a general rule, 'be tied up,' to use a very suitable expression, beyond a period of twenty-one years after the decease of persons in existence when the act of disposition takes effect; those persons may be many or few, and may be selected arbitrarily, but a limit, and a sufficiently precise one, is secured. In order to prevent a repetition of such wills as that of Mr. Thellusson, the postponement of enjoyment of *income* is restricted to the still narrower limit of twenty-one years, simply.

But to this limitation of the owner's control over the disposition of property, the power allowed of making what are called charitable gifts or bequests, forms a remarkable exception. The history of this exception in countries where Christianity has prevailed (and I believe a similar history might be written with reference to all countries where any religious system is established), is so well known that I shall not dwell upon it. As soon as corporate bodies acquired property for religious purposes, the combination of an undying succession in the owners, and of a religious trust fixed upon the property, rendered it in fact inalienable, or, in other words, the owner at any given period was thus empowered by his donation of property to a religious corporation irrevocably to fix its destination.

On the formation of mercantile and trade guilds, donations, either for the general use of the guild, or for application to charitable purposes connected with it, had the like effect.

The evil consequences of such an anomalous power were soon felt, and gave rise to the various Statutes of Mortmain. These statutes, however, were levelled principally at the withdrawal of land from general commerce, and from the feudal consequences of changes of ownership, and were passed, moreover, at a period when personal property, from its nature, could scarcely be so 'tied up.'

Before the existence of either public funds or shares in large adventures, such as those of the East India and South Sea Companies, perpetual trusts could scarcely be attached to personalty, otherwise than by transforming it into land, either by purchase or mortgage, and the trust would then fall within the operation of the mortmain laws.

The Act of George II., however, by which the alienation of pro-

perty for charitable purposes is now principally governed, affected to deal with donations of stock, but in such a manner that the statute is, in that respect, almost a dead letter.

I may, with sufficient accuracy for the purpose of this paper, state our present law as to charitable gifts or bequests to be as follows:—

1. No posthumous or testamentary disposition whatever can be made, either of land, or of any interest in land (such as a term of years, rent-charge, mortgage, or the like), for a charitable purpose.

2. No charitable gift can be made of land or any interest in land by the owner in his life-time unless certain formalities are observed, and unless he survive the gift twelve months, and if he reserve any benefit to himself the whole gift is void. Subject to these conditions, land to any extent may be devoted to charity.

3. As to purely personal estate, whether consisting of stock or otherwise, there is an unlimited power in the owner of devoting it, either in his life-time or by will, to any charitable purpose, subject merely to certain formalities as to gifts of stock, not important to be noticed.

I shall not now dwell on the various modifications made by special statutes, whereby the alienation of land to a limited extent for certain descriptions of charitable endowment is authorized.

The purpose of my present paper is to call attention, 1stly, to the apparent policy of our law with regard to charitable bequests; 2ndly, to the inconsistency and incompleteness of the law with reference to that policy; and, 3rdly, to the expediency of revising that policy itself.

1.* The policy of the law appears to be this, to discourage on the one hand the withdrawal of land either from the family of the owner or from general commerce in order to devote it to charitable objects, but, on the other hand, to permit or even, I may say, encourage the devotion of personal estate by its owner to the same class of objects. I say encourage, because our law sanctions the exercise of a power on the part of the existing owner of personal property by which he can direct and control its application to any amount for centuries, provided the object be one which the law recognises as charitable. A power which it does not concede to him with reference to trusts for his own family.

2. The mode in which that policy is effected is inconsistent and incomplete. It is inconsistent, because in its effort to prevent land being withdrawn from commerce, and at the same time to leave personal estate unfettered, it has effectually prevented the application of a considerable portion of such personal estate to charitable objects; for instance, all money laid out on mortgage, no doubt from the possibility of the foreclosure of the mortgage converting it into real estate.

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* In the valuable observations made by Mr. Hodgkin during the discussion that ensued on this paper, it was correctly observed that all the earlier statutes were levelled against the withdrawal of land from the feudal consequences of change of ownership.

But it would have been very easy to provide specially for 'interests in land' of such a description, by simply prohibiting the gift of anything but the money secured to be realized by a sale, for there are few mortgage deeds in which there is not a power of sale.

No ground can be assigned for preventing a person holding stock and mortgages from dealing with the money value of the one in the same way as with that of the other. If it were thought advisable to prohibit a sale of land under a will, and the application of its produce to the endowment of a charity, regard being had to the interests of the heir, surely no such ground exists with reference to the mortgages which, like stock, vest in the executor. But, further, the law is incomplete with reference to its own policy. I need hardly do more than allude to its incompleteness of definition, partly indeed touched upon under the last head, and the many nice distinctions to be found in decided cases of what is, or is not, 'an interest in land.' I would rather, under this head, indicate the want of completeness of the law, which endeavours to discourage the withdrawal of land from general commerce, and yet permits its alienation to any extent by an act, *inter vivos*, for charitable purposes.

It is true that the conditions imposed, namely, that the property shall be parted with absolutely without any interest being renewed to the donor, and that the gift shall, even then, fail, if the donor die within the year, have tended greatly to check any such alienations of land; but these special regulations would rather appear to be pointed to another very serious difficulty regarding the policy of charitable gifts, namely, the necessity of preventing gifts made under a superstitious notion of purchasing the favour of the Almighty in the last moments of earthly infirmity. It is difficult, in this point of view, however, to suggest any reason why such precautions should be confined to the disposition of real estate.

3. The more important question remains—Whether it be not expedient to revise the whole policy of our law with reference to so-called charitable dispositions of property?

First let us consider the extent of the legal signification of the term charity.

A charitable disposition, in law, is the appropriation of property to some general public purpose, as contrasted with gifts to individuals for their own use; and the only limit to such gifts (provided the regulations of the Statutes of Mortmain be observed) is that the purposes be not contrary to positive law or to the policy implied in all law, viz.: to the principles of religion or morality. In other words, the existing owner, although he is confined to the limits of twenty-one years after lives in being, with regard to any power over property to be exercised on behalf of his family, is allowed to appropriate the same property for ever to any public purpose (consistent with law, religion, and morality) that his imagination may devise.

I will give an instance or two of bequests upheld as charitable.

One testator, not long since, bequeathed 300*l.* a year to be for ever applied as a pension to some person who had been *unsuccessful* in

literature, and whose duty it should be to support and diffuse by his writings the testator's own views as enforced in the testator's publications. An inquiry was directed as to whether the testator's publications contained anything contrary to religion or morals, and this being answered in the negative, the so-called charity was established.

In another case a testator gave a fund to trustees, one-half of the income of which was to be distributed amongst fifteen maidens of his parish of the poorer sort, between eighteen and twenty-five years of age, who should be the prettiest, and should have been most regular in their attendance at church, and the other half among fifteen spinsters, who should be upwards of fifty years old with the like 'qualifications.'

The trustees declined so invidious a selection of objects except under the direction of the Court of Chancery, which established the charity, independently, however, of the personal qualifications.

I have purposely selected these fanciful dispositions, in order to bring fully before you the question whether it be reasonable that the owners of property should have the power of fixing its destination for ever to upholding such whims.

But a much wider field offers itself in the consideration of the numerous bequests of greater or lesser amount for specific charities, not absurd in themselves, but as experience has shown, far from beneficial in their application, such as doles of bread or other food, small pensions, clothing, coals, and the like, frequently qualified also with a preference to those who have attended the church services. Upon this part of the case two questions arise, first, how far experience will justify us in saying that society is benefited in any degree by gifts of this description?

I ask you to inquire into their results in practice. I believe that in all towns where such gifts exist to any great amount, you will find the paupers more numerous than in other towns of like population; and if they should happen to be, as is often the case, old boroughs returning members to Parliament, you will find the grossest political corruption and jobbing in the disposition of this petty patronage. I have had information on these points from a most intelligent gentleman, whose official duty it was to inquire into such charities.

In one city five brothel-keepers were for some time annual recipients of small pensions left by some charitable testator.

I have very resently been staying in ——, Essex, where a parish was pointed out to me, the poor of which receive a large amount of like bequests, and the wages of independent labourers in that parish have sunk to 8*s.* a week, whilst in every parish around it they stand at 10*s.*

Secondly. A question arises whether, if gifts of this kind be objects deserving so much consideration as to justify the extraordinary power over property involved in their creation, there ought not at least to be some qualification imposed upon that power, subjecting the bequest from time to time to a legal control, which may give it a more useful direction.

This last observation leads me to the consideration of the degree of control already exercised by the Court of Chancery over charitable bequests. If a testator points out by his will a precisely defined object or institution to which the bequest is to be applied, the Court of Chancery has nothing to do but to execute the trust; but if the testator merely indicates the general character of the charity, then a scheme is directed by the Court for the application of the fund. Again, if the intention of the testator, however well defined, cannot be carried into effect exactly according to his conception, or if the objects he has pointed out subsequently cease to exist, the Court of Chancery directs a scheme for the appropriation of the fund *cy près*, as it has been termed, that is to say, approximating as nearly as possible to the testator's directions, rather than that his (so-called) charitable purpose should fail. I may give, as a well-known instance of this doctrine, the case in which a Jewish testator made a bequest in order to found a school for the instruction of children in the Jewish religion. This bequest failed from its being then contrary to law so to instruct children; but Lord Hardwick applied the fund to the instruction of children at the Foundling Hospital in the Christian religion.

It would probably have surprised the testator, could he have known that this was considered to be executing his intentions as nearly as possible. Another more satisfactory instance is the case of Bettin's Charity for the Redemption of Slaves taken by Barbary Corsairs. This fund had accumulated, for want of objects, to nearly 200,000*l.*, and was applied by Lord Cottenham to schools, the testator having, in another part of his will, devoted a large portion of his property to that purpose.

I need not pause to inquire how this power has been derived, nor to investigate the original power of Commissioners under the Statute of Charitable Uses; but it is important to notice its existence, for to my mind it indicates a reasonable mode of dealing with the whole subject of charitable gifts in future.

Having now reviewed our existing law, I will proceed, briefly, to state what appear to me to be its leading defects.

1. I think it unreasonable to allow any existing owner the privilege of fixing for ever the destination of any portion of his property, whether real or personal. It is impossible that any human sagacity can foresee the best mode of promoting, through all time, the welfare of the nation or any less extensive section of the community, such as the testator's native county, or town, or parish. But to allow the owner of a given field, or a given amount of stock, to say that it shall for ever be devoted to that which at the moment appears to such owner to be of public benefit, is to constitute him, in effect, a legislator whose enactments can only be reversed by the sovereign will of Parliament. The evil has been felt, and partially met by the limited power vested in the Court of Chancery of filling up the crude and incomplete sketches of testators, and remodelling them entirely when they are incapable of any effect as originally framed. But in

the far more numerous class of cases, these petty enactments must be allowed their full operation, and it is only when some paramount interest of the community calls attention to the evil that the Legislature interferes to remedy it. Of this we have a recent example on a large scale, in the Acts relating to our two Universities, which have authorized the colleges and the commissioners to set at naught multitudinous provisions in the deeds and wills of benefactors to colleges, confining the benefit of the foundation within narrow limits, as being at variance with a more enlightened view of public benefit.

2. I am of opinion that the dictinction between the devotion of real or personal estate to charitable purposes is not sound. The feudal consequences of a tenure by a corporate body no longer require our consideration. No economical evil results from the mere fact of land being held by corporate bodies on charitable trusts. The estates held by the colleges in our universities, and still more the lands held by the public companies of the City of London in Ireland, will bear comparison, as to their cultivation and management, with any lands held by individual proprietors. Full powers of sale and exchange should be conferred on the trustees for the charities, and the evils to be apprehended from motives of superstition or vanity with regard to posthumous charity ought, I think, to be met. But this latter mischief affects bequests of personalty, as well as those of realty.

3. I am of opinion that all posthumous charity should be very strictly regulated. It is very rare that charity properly so called can, in any sense, be predicted of posthumous gifts. The preference of the poor in general to the testator's own relatives is far more often the result either of superstition or vanity than of benevolence. I remember having heard the late Sir Robert Peel state that the grandchildren of a so-called munificent founder of a great public institution in London had applied to him for a grant of public money on the ground of their having been beggared for the public benefit. At the same time I recollect an anecdote of a man at Marseilles having borne through life the character of a miser, who by his will stated that he had observed the suffering occasioned by want of water in the town, and had resolved to sacrifice all his own comfort to provide for that want; and now devoted his accumulations to that purpose. This, no doubt, was true charity. I would not then prohibit, but regulate very strictly, gifts by will for charitable purposes.

4. With regard to the direction of schemes for the application of indefinite charitable gifts, and remodelling charities by *cy près*, I think that a less expensive machinery than the Court of Chancery is desirable; and further, that the regulating power should be extended so as to make charitable endowments more generally available to the exigencies of the time.

I will proceed now to throw out some suggestions for the remodelling of the law with reference to Charitable Endowments, rather with a view to elicit opinion and to direct public attention to the subject, than as an elaborate scheme, ripe for legislation.

My proposals then would be to the following effect:—

1. That either real or personal estate may be disposed of by deed for any charitable purpose selected by the donor, subject to the following conditions:—

i. That a definite scheme be laid by him before the Charity Commissioners and approved of by them.

ii. That the gift is not to take effect until the expiration of one year from the execution of the deed, with power for the donor to revoke the deed at any time during the year, and the deed to be *ipso facto* revoked by his death within that period.

iii. The gift to be absolute, without reserving any beneficial interest to the grantor beyond any patronage he may exercise with regard to the charity.

iv. The deed itself to be executed in the presence of, and attested by Commissioners, or some person deputed by the Commissioners to witness its execution, and not necessarily in the presence of any other witness, and to be enrolled as now provided.

The control of the Commissioners should extend only to the details of the scheme in cases of additional endowment of any existing charity already established under any decree or order of Commissioners under the statute of Elizabeth, or by the Court of Chancery, or with the assent of the Commissioners, and in certain other cases to be specified, as for example, hospitals, schools, or the like. But, in other cases, the Commissioners to have power to reject, but for cause to be assigned, either a scheme wholly or in part subject to an appeal to the Court of Appeal in Chancery.

Simple gifts of stock or money or other chattels to the treasurer or trustees of any existing charity, already approved by the commissioners, or established by any order of the Court of Chancery for the general purposes of the charity, to be free from the above provisions. But with that exception, no gift *inter vivos* is to take effect without conforming to them.

The Legislature might provide, of course, limits within which alone the power of the Commissioners should be exercised other than those I have suggested; and in any discussion of a Bill there would be numerous suggestions to that effect. I am not proposing a Bill, but suggesting a line of action.

2. That there should not be any power of making a charitable devise of land or any bequest of money exceeding a given amount, in value (say 200*l.*), to endure beyond the period allowed by law for the appropriation of money in other cases, except in form of some existing charity already established under any decree or order of the Commissioners under the statute of Elizabeth or of the Court of Chancery, or already established with the assent of the Commissioners. And if exceeding the above amount, such devise or bequest, even though it be to any such existing charity, to be by will executed at least twelve months before testator's decease, and attested by a solicitor.

3. That the Charity Commissioners shall have power from time to time (subject to an appeal to the Court of Appeal in Chancery), on

the application of the Attorney-General, either *ex officio* on the relation of responsible relators, to remodel the application of the income of any charitable funds in cases where such income is applicable in sums not exceeding, say 10*l.* each for the benefit of individuals by way of pension, dole, clothing, or the like, so as to apply the whole or any part of such income towards the permanent endowment of hospitals, schools, or other like general charities, either already existing or to be newly established.

4. That there be a general power of revision in the Commissioners (subject to appeal to the Court of Appeal in Chancery) of all charitable endowments whatevever, on application by two-thirds of the governors or other persons having the government or control of the charity, and with the assent of the Attorney-General, for the purpose of enlarging the scope of the charitable trust, or varying the application of the funds to other charitable purposes.

These proposals are, as I have said, mere general suggestions for the purpose of eliciting discussion, and are no doubt capable of much improvement; but I trust that the Legislature will no longer permit mere vanity or caprice, on the one hand, to devote large resources to frivolous objects, nor, on the other, allow so much wealth as is at this moment frittered away by its useless, if not mischievous application, to be withheld from really great and permanent public objects.

Transfer of Land: Registration of Title Deeds, and Registration of Title. By W. Strickland Cookson, *Solicitor.*

It cannot be doubted that our present system of proving and transmitting the ownership of land is a 'prolix, expensive, and vexatious system;' nor that a great and substantial social benefit would be conferred on the community by the substitution—if that be possible—of an expeditious, cheap, and simple system.

If any plan can be devised by which land in England may be acquired, and its ownership transferred, with a facility, cheapness, expedition, and security approaching those qualities in the acquisition and transfer of stock; and if, thereby, the desire to become owners of houses and lands be strengthened and encouraged in those of our fellow-countrymen who toil in our factories and on our farms, its beneficial moral effect will be extensively seen and felt.

That the system, for centuries past, has been felt to be an unsatisfactory and faulty one, is abundantly manifested in the efforts which, from the time of Henry VIII. downwards, have been made to find a remedy for the evil.

It is worthy of notice that, from the time of Henry VIII. to the present day, the remedy for this universally acknowledged evil seems to have been sought in the direction of registration. Although at different periods of our history, different kinds of registration have been preferred, yet always registration of one kind or another has

been prescribed as the curative means, and there is an increasing conviction that in registration the cure will at last be found.

When registration was first proposed, it was sought to be effected by requiring the enrolment, on record, of a complete copy of the deed. The statute of Henry VIII. required this; but registration at that time was not popular with lawyers, and the statute was interpreted to apply to one species of conveyance only, namely, to bargains and sales.

Afterwards, in 1703, when the Act was passed for establishing a register in the West Riding of the county of York; and in 1707, when the East Riding obtained a register; and in 1708, when the county of Middlesex was indulged with this luxury; and in 1735, when the North Riding was placed on the same footing as the other Ridings with regard to registration, all that was deemed essential to be placed on the register was a memorial, which was required to state little more than the date of the deed, the parties to it, and the property affected by it; and the indexes to these memorials were alphabetical indexes only, without classification, of the names of the conveying parties in the deed.

At different times different reasons were assigned by our ancestors for legislating, or attempting to legislate, on the subject of registration. At one time (in 1660), it was alleged that 'one cause of the decay of rents and value of land was the uncertainty of titles of estates,' and as 'a principal remedy' for that, a Bill of Registers was recommended for the future. In the West Riding Act of 1703, it is alleged, that 'the West Riding is the principal place in the north for the cloth manufacture, and most of the traders therein are freeholders, and have frequent occasions to borrow money upon their estates for managing their said trade; but for want of a register find it difficult to give security to the satisfaction of the money-lenders (although the security they offer be really good), by means whereof the said trade is very much obstructed and many families ruined.' And in the East Riding Act of 1707, it is stated that, 'from the power possessed by ill-disposed persons to commit frauds by secret conveyances, several persons (who, through many years' industry in their trades and employments, and by great frugality, had been enabled to purchase lands or to lend moneys on land security) had been undone in their purchases and mortgages by prior and secret conveyances and fraudulent encumbrances, and not only themselves, but their whole families, thereby utterly ruined.'

After a very long interval of nearly a century, namely, in 1830, a system of registration was recommended, which required, as on an enrolment under the Act of Henry VIII., a complete copy of the deed to be registered, and an elaborate classification of deeds under separate heads, with reference to title; the object being to present, at one view, all the documentary evidence which a party investigating a title might have occasion to see, so as to avoid that necessity for searches against names, which was deemed fatal to the successful working of the Yorkshire and Middlesex registries. It was part of

this system that there should be 'Indexes to Roots of Title,' 'General Indexes,' 'Index Entries,' 'Directories to Roots of Title,' 'Caveats,' and 'Inhibitions.'

After a further interval of twenty years, it came to be considered that no system of registration would be satisfactory unless based on a public map. It was recommended that a map of the whole kingdom should be framed on a large scale, with a land index referring to the land itself, as indicated by numbers or other marks on the public map; and a classified index of titles referring to the land index, and also referring to the deeds registered; and that the original, or a duplicate original, of every deed, should be deposited in the registry. In this way it was expected that every purchaser would find collected in one place, and in a convenient form, a reference to all the lands he had purchased, and to all the deeds affecting those lands, and would have easy access to the deeds themselves for inspection.

All these systems aimed at preserving, for all time, an authentic public record of deeds and assurances, by transcribing on the roll a full copy of each instrument; or by filing a short statement indicating its date, the names and addresses of the parties to it, and the lands affected by it; or by depositing the original, or a duplicate original, in the registry; whereby, with the aid of indexes, every purchaser of land might be informed of every deed and assurance which had been executed affecting his purchase; in order that, by an inspection of all the deeds and assurances, he might, with professional assistance, satisfy himself that the vendor could confer on him a good title to the property purchased.

But, as has been well observed, none of these systems would operate to simplify the title; or facilitate (as respects the title) the transfer of land; or render less intricate the practice of conveyancing; or lessen any of the burdens on land which arise from peculiarities of ownership; or render unnecessary the retrospective and reiterated investigation of the title on the occasion of each succeeding sale or mortgage. Abstracts of title would not be shortened, the forms of conveyance would not be materially simplified. The old technicalities and anomalies of the law of real property would be confirmed rather than lessened or relieved. Those embarrassments and impediments, on the sale and transfer of land, which arise from the state of the law, and the mode of showing title to land, would remain as before; if, indeed, the delay, trouble, and expense in transferring land would not be increased rather than diminished by the establishment of a registration of assurances.

The foregoing sketch is necessarily, from its brevity, a very shadowy and imperfect outline. If full and accurate knowledge, in detail, be desired, of the nature and character of the efforts made by our ancestors and by the lawyers and legislators of the present century to improve land-transfer, it will be found in the 'Historical Account of the Progress of Registration in England so far as respects Assurances of Land,' compiled with great industry and care by Mr. George Williams

Sanders, and appended to the Report of the Registration and Conveyancing Commissioners of 1850.

If the statute of Henry VIII., to which reference has already been made, and which was entitled 'An Act concerning Inrolments of Bargains and Contracts of Lands and Tenements,' had not, by judicial interpretation, been narrowed in its operation within limits much more contracted than the Legislature of that day intended, the King's Courts of Record at Westminster would, under its provisions, have become a general registry of deeds relating to lands in every part of the kingdom, except lands in cities, boroughs, and towns-corporate, having their own local registries.

The 'Historical Account of Registration,' by Mr. Sanders, notices the several attempts made to obtain general registration for the whole kingdom, and local registration for particular counties, down to the year 1784; after which, until the year 1828, no movement in the matter is recorded by him, except two abortive efforts in the Sessions of 1815 and 1816, when Bills for general registration of deeds were brought into the House of Commons by Mr. Sergeant Onslow and Sir Samuel Romilly, which did not proceed to a second reading. Both Bills proposed to effect registration by means of memorials, and contained clauses declaring that a registered memorial of any instrument should be notice to all persons of the contents of the instrument itself; and that no averment of notice of any prior unregistered instrument should be allowed against a person claiming under an instrument registered.

Since that time three several Royal Commissions have been issued, and three Reports made, on the subject of registration with reference to land-transfer. These commissions have been generally designated the Real Property Commission, the Registration and Conveyancing Commission, and the Registration of Title Commission.

In the year 1828 the Real Property Commission was issued by King George IV. to inquire into the law of England respecting real property. The Commissioners made two reports—the first in 1829, which did not deal with the subject of registration; and the second in 1830, which was confined altogether to that subject. In this latter Report, the Commissioners, referring to a general register, observe, 'This has appeared to us to exceed in magnitude and importance all the other subjects within the scope of our commission: it has excited general interest; and we have found it to be so connected with almost every part of the law of real property, that the nature and details of any improvements to be proposed by us must greatly depend on the question, whether all deeds and instruments affecting the title to land shall be registered, or whether the security of title is still to rest on other expedients.' 'It is obvious that a documentary title cannot be complete, unless the party to whom it is produced can be assured that no document, which may defeat or alter the effect of those which are shown to him, is kept out of sight. It follows that means should be afforded by the law for the manifestation of all the

documents necessary to complete the title, or for the protection of purchasers against the effect of any documents which, for want of the use of such means, have not been brought to their knowledge: in other words, that there should be a general register.'

The plan of registration which the Real Property Commissioners recommended for adoption has been already adverted to. It is understood to have originated with one of the first Real Property barristers of the day, the late Mr. Duval, who was one of the commissioners; and it has been usually designated Mr. Duval's plan. It was 'conceived with much ingenuity, and carried out with great skill and ability.'

Numerous attempts were made in the House of Commons to obtain the sanction of the Legislature to Mr. Duval's plan, but without success. Bills for the purpose were brought in by Mr. Campbell (now the Lord Chancellor), in the years 1830, 1831, and 1832, and by Mr. W. Brougham (one of the Masters in Chancery), in the years 1833 and 1834; but none of them were read a third time, and one only advanced as far as the second reading. In the last of these years (1834), two other Registration Bills were introduced by Mr. Caley and Mr. Tooke, but they were not more fortunate than Mr. Brougham's.

In the years 1845 and 1846, Lord Campbell endeavoured, in the House of Lords, to carry the bill which had been so frequently lost in the House of Commons; but in neither session was the bill read a second time.

The subject was, however, too important, and the evils to be remedied too serious and pressing, to be lost sight of.

In the Session of 1846, a Select Committee of the House of Lords, appointed to inquire into the burdens affecting real property, reported that they were convinced that the marketable value of real property was seriously diminished by the tedious and expensive process attending its transfer; that they were anxious to impress on the House the necessity of a thorough revision of the whole subject of conveyancing, and the disuse of the present prolix, expensive, and vexatious system, and that a registry of title to all real property was essential to the success of any attempt to simplify the system of conveyancing, and that they had therefore recommended the improvement of the law of real property, the simplification of titles and of forms of conveyance, and the establishment of some effective system for the registration of deeds.

In furtherance of the recommendations of the Select Committee, the Registration and Conveyancing Commission was issued in February, 1847, to inquire whether the burdens on land could be diminished by the establishment of an effective system for the registration of deeds and the simplification of the forms of conveyance, and by what means the same could be effected.

The Registration and Conveyancing Commissioners made a very full and elaborate report in July, 1850. In it, after noticing the labours of previous Commissioners, and carefully examining the plan

of registration proposed by the Report of the Real Property Commissioners of 1830—Mr. Duval's plan; and after stating numerous objections to it, the Registration and Conveyancing Commissioners proceeded to recommend the system of registration with the aid of a public map, which has been mentioned before. They were not, however, unanimous on all points. Two of the number were opposed to the plan, approved by the majority, for indexing with reference to maps.

In the Session of 1851, a bill was introduced by Lord Campbell into the House of Lords, founded on the report of 1850, and was supported by the Government—registration by the aid of a general map was proposed. The bill, and numerous petitions presented against it, were referred to a Select Committee of the House of Lords. In the Committee the general map disappeared, and the bill was altered accordingly; and so altered was reported, and passed through its remaining stages in the House of Lords, and was sent to the Commons; where again it was opposed, and was abandoned by the Government.

The petitions against the bill came principally from the law societies and other bodies of solicitors, and charges of sordid and unworthy motives were unsparingly made against that branch of the profession in consequence of the opposition.

It was the unanimous opinion of solicitors, that the proposed measure would increase their fees on each transaction of purchase or mortgage; but they objected to it on behalf of their clients, whose interests they desired to protect; they felt that their first duty was to their clients, and that, so long as they, the landowners of this country, continued to rely, generously and confidently, on the integrity and zeal of their legal advisers, the solicitors could well afford to disregard unfounded imputations of sinister and unworthy motives.

Solicitors are too often spoken of as opposed to all improvement in the practice of the law, and charged with seeking, for their own advantage, to maintain old abuses; to uphold the continuance of useless forms for the sake of the incidental fees. This is unfounded and unjust when applied to the profession at large. That there are some who act on this principle may not be denied, but as a general proposition it is utterly untrue. No body of men have been more zealous or disinterested in advocating and pressing on reforms. The struggles of the profession for reforms in the practice of the Court of Chancery, and in the Courts of Common Law, and in the laws affecting the transfer of real property, have been constant and untiring, as the records of the various Select Committees of both Houses and Commissions on Law Reforms abundantly testify.

An apology is necessary for this digression. The temptation was strong and the digression is short, and has been indulged in from a conviction that there are few evils more injurious to society than the wholesale denunciations of the motives of a class of men who are indispensable to the public, and who, for the efficient discharge of their duties, must possess the confidence of their clients in their integrity

and honour. Unfounded censure tends to the production and increase of the evil denounced.

To resume. In the Session of 1853, the Bill of 1851, in the state in which it was sent down to the House of Commons, was introduced into the House of Lords by Lord Chancellor Cranworth. It passed the House of Lords and was sent down to the House of Commons, when, after having been read *pro formâ* a second time, it was referred, with two other bills which originated in the Commons, one introduced by Mr. Vincent Scully and the other by Mr. Headlam, to a select committee.

That Committee reported that they had examined some witnesses of high professional reputation, who had brought under their notice a scheme for the 'Registration of Title,' or of 'Legal Ownership,' which if it could be fully developed and made capable of easy practical operation, would appear to the Committee to fulfil the important conditions of registration, and to afford the means of ensuring great facility for the transfer of land, combined with great simplicity and security of title. They considered the scheme worthy of further and more careful attention than they had been able to bestow on it, and were of opinion that registration would be practicable and useful if effected upon that principle. The Committee, therefore, recommended the House not to proceed with the Bill for the Registration of Assurances, but suggested the appointment of a commission for the purpose of considering the subject of registration of title with reference to facilitating the sale and transfer of land.

The Report of the Select Committee was adopted by the House, and a commission issued shortly afterwards, namely, in January, 1854, appointing Commissioners 'to consider the subject of the registration of title with reference to the sale and transfer of land, and generally to inquire into and consider the advantages and disadvantages attending such a system.'

It would be impossible, within the time to which it has been found necessary to limit the reading of each paper, to give even a faint and general outline of the plan of registration of title developed by the Commissioners, in the Report which they made in May, 1857. The efficacy of the plan depends on the completeness of the machinery to accomplish the objects, and that machinery can be satisfactorily examined only in minute detail. The Report occupies 49 printed folio pages, of which about 14 are devoted to the explanation of the plan.

The Commissioners found that the problem which had to be solved was, to use their own language, this:—'By what means, consistently with the preservation of existing rights, can we now obtain such a system of registration as will enable owners to deal with land in as simple and easy a manner, as far as the title is concerned, and the difference in the nature of the subject matter may allow, as they now can deal with moveable chattels or stock? No one,' they observe, 'doubts that it would be a great benefit to the proprietors of land, if they were able to convey it with the same facility as the owners of ships, or of stock, or of railway shares, can now assign their property

in any of them. But the question is, Can this be accomplished? and, if so, how?'

In answering these questions the Commissioners proceed to say:—'It must be assumed, that no plan of registration will be acceptable or desirable unless it leaves, substantially and practically, to the owners of land, powers of disposition and rights of enjoyment of similar extent and facility of exercise with those which they possess under the present system.

'One remark,' the Commissioners go on to observe, 'should here be made, which is apt to be lost sight of; it is this, that if there had been always a register of land, as there is in fact a register of ships, of stock in the funds, and of railway shares, it would be difficult to point out any substantial distinction between property of that description and land, so far as regards the mode and form in which they might respectively be transferred or sold. The distinction between them has arisen, not so much from the different nature of the things themselves, as from the different regulations to which they have been subjected in their origin and in the development of their legal qualities. Both kinds of property are equally the creature of and require the protection of the law. Both admit of transfer from one person to another. Both may be subject to family settlements. But the right to the one has grown up under the feudal system of law adapted, no doubt, as far as it could be done by judicial decision, to the varying wants of mankind, but without the aid of a controlling power, which alone would be sufficient to simplify its tenure or facilitate its disposition. The right to the other has been created and regulated by Parliament itself; which having to deal with a new subject, determined at once to allow no trusts to affect the transfer of it; and therefore excluded from the register of the right to it, all modifications which might otherwise qualify the absolute ownership. Had land always been similarly registered and similarly transferred, no one would now think of imposing on its present proprietor the harsh and unnecessary burden of furnishing, before he could part with a single acre, a detailed history of every transaction relating to the property for a period of 60 years; nor of forcing him, before he could borrow 100*l.* for purposes of improvement, to prove every birth, marriage, death, settlement, charge, conveyance, or incumbrance that might by possibility affect the title for more than half a century past; and if this be so, how much more beyond reason would it be to compel an owner, after such a process has been gone through on his purchase, again to undergo it, when he might wish to sell that to which the title had been both recently and abundantly proved. Assuming that we are right in this conclusion, and we think that few will doubt it, the difficulty of giving to the owners of land the same benefits as those enjoyed by the owners of ships, stock in the funds, and railway shares, is the difficulty of applying a new principle, which in a new state of things has been found to be practicable and advantageous, so far and in such a manner as to render it applicable to an old state of things, which is justly complained of, and which has become prejudicial to the interests

of society in those very particulars in which it disregards that principle. It is the difficulty of unravelling the intricate meshes of form and technicality with which the owners of real property are surrounded and entangled, the difficulty of assimilating the transfer or alienation of that kind of property which has been hitherto subjected to these forms and technicalities, to the transfer or alienation of that kind of property which has always been without them; the difficulty, so to speak, of undoing, as far as regards the future, that which has grown up into a kind of necessity, until it has almost come to be supposed that the security of property in land depends on the fetters with which all freedom of action respecting it is tied up and restrained.'

The Commissioners then proceed to show how they think this assimilation may be effected, notwithstanding the complications in which the title to land, and the transfer of it, are at present involved. They say,—

'The objects in view are, to form a register of title, as distinguished from a register of the various deeds and assurances under which the title has been derived; to form this register in such a manner that the retrospective inquiry into the former dealings and transactions, which on a transfer is now necessary, may be avoided; to make this register instrumental in simplifying generally the title to land and the forms of conveyance; and at the same time to continue, as far as possible, consistently with a simple register of title, the existing system of settlements, and to avoid impairing unduly the security of settlements and trusts.'

The Commissioners, in endeavouring to accomplish the objects indicated, came to the conclusion that the register ought to be composed of a succession of simple transfers merely, and should manifest only the actual and existing ownership of the land for the time being, without laying open the history or past deduction of it: that it ought, in fact, to be a record of the ownership existing at the time of any supposed search of the register.

The Commissioners further thought that no form of ownership or property, besides the free or entire ownership, could be allowed to be put upon the register. Charges on the fee, however, and leases, being (apart from the fee) subjects of marketable dealing, and interests commonly bought and transferred, should also, they thought, be admitted to registration; separate places, i.e. subordinate registers, being provided for them.

The Commissioners recommended that landowners should have the option of two modes of first bringing their titles on the register: one with the benefits of warranted ownership after full investigation of the title under the direction of the registrar; the other without such investigation, and therefore without warranty. If the former mode were adopted, the register would become at once the sole and inclusive evidence of ownership to a purchaser. If the latter mode were resorted to, the first registration would have nearly the same effect as a conveyance in fee now has; and in future dealings with the land, the antecedent title would be the subject of investigation as under the

present system, the title of the first registered owner depending on the validity of the title of his grantor. But as time passed on, the title evidenced by the register would grow older, until at length it reached an age which, under the operation of the Statute of Limitations, would make it complete, and mature it into an unimpeachable title on the register. And year after year the investigation of the title anterior to the first registration, would reach over a yearly diminishing space until it ceased altogether.

It remains to be seen whether the country will accept the system developed by the Report of the Registration of Title Commissioners —whether the principle of a system which has been found to be safe and to work well for 800,000,000*l.* of stock, and for the millions on millions represented by shares in railways and canals and docks; a system under which the title to every share in a public company may for a century have been preserved in its original simplicity through numerous transfers, and kept distinct from the title to every other share, can with safety be adopted and applied to the transfer of land.

Since the Report of the Select Committee of the House of Commons in 1853, the notion of a general registration of deeds and assurances has found few if any advocates. Indeed, the objections to that system which recent investigation has brought out, seem to be conclusive against its adoption.

In the first session of the present year, two bills were introduced into the House of Commons by Sir Hugh Cairns, when Solicitor-General, founded to some extent on the Report of the Registration of Title Commissioners; one called the Title to Landed Estates Bill, and the other the Registry of Landed Estates Bill. By the former it was proposed to create a Landed Estates Court, with machinery for ascertaining and declaring the title to landed estates; and by the latter to establish a registry, and to empower the landed estates Court to order the names of persons whose titles to any lands had been declared by the court to have been established, to be entered on the register as proprietors of such lands. The bill also provided machinery for subsequent transfer of the proprietorship upon the register.

Before the bills had made much progress, the session and the Parliament came to an end, and the bills were not renewed in the new Parliament.

The two bills, which constituted, in fact, one measure, shut out one very important suggestion of the Registration of Title Commissioners. Under them no person could be registered as proprietor whose title had not passed through the ordeal of the newly constituted court, and received from it the stamp of indefeasibility. No provision was made for the registration of ownerships without previous judicial investigation.

John Stuart Mill, in his work on *Political Economy*, declared that 'to make land as easily transferable as stock, would be one of the greatest economical improvements which could be bestowed on a country.' To accomplish this may not be possible: the machinery

suggested by the Registration of Title Commissioners does not reach this point: the bills of Sir Hugh Cairns fall short of it: but if, with the information and suggestions already furnished, our lawyers and legislators will, in singleness of purpose and with a sincere desire to attain all that is attainable in this direction, continue to labour in this important work; and if those whose experience under the old conveyancing system has been great will lend their aid, we may hope that the construction of a system of land transfer which shall be simple, accurate, expeditious, and cheap, and at the same time and above all secure, will be found to be practicable.

'Similes,' it has been recently observed, 'proverbially do not run on all fours; and perhaps there is no class of illustrations so dangerous to moral and political science as those that are borrowed from machinery.' It may be true that they are dangerous also to Social Science; yet may encouragement be derived by Social Science from contemplating the conquests of mechanical ingenuity; and it would be cowardly in an Englishman to sound a note of despondency on this subject of registration, or doubt the constructive genius of his countrymen, in the presence of the manufacturers and mechanists of the West Riding, and when surrounded by the wonders and stupendous harmonies of their machinery.

The Yorkshire Registries of Deeds. By J. E. Dibb, *Deputy Registrar, Wakefield.*

The existence of registries of deeds for more than a century and a half in the three several Ridings of Yorkshire, and the fact that 400,000 documents have been accumulated in the one for the West Riding alone during that period, render two considerations of considerable importance:—How those registries may be made more perfect? and whether a good system of registry might not be established with advantage in the other counties of England and Wales?

It may be useful to notice, in the first place, the apparent defects of the local register acts.

1. Registry is not compulsory; and therefore the system lacks somewhat of regularity; though it is proper to add that the practice is, with but few exceptions, to register a memorial within a brief period of the date of a deed.

2. The registry is not absolute notice in all cases, but only under certain circumstances.

3. The rules laid down by the several local acts differ, more or less, at the three Yorkshire offices; and these also vary from the provisions of the Middlesex Act.

4. Some of the requirements [illegible]
cumbrous, inconvenient, an[illegible]
further legislation.

To take up, then, these

1. Registry, to accomplish all the benefits of which it is capable, should be compulsory. In no other way can there be sufficient assurance of clear, distinct, unquestionable notice of every instrument affecting an estate. But with this, no other notice would be necessary apart from the register; and thus—

2. The second point would be completely gained. These two would tend materially to facilitate the transfer of real estate, and to lessen the cost of conveyancing. There would be one main source for the investigation of the titles, well defined, in place of the more numerous and uncertain, as at present. This is altogether apart from the simplification of the forms of conveyancing, in which much yet remains to be done, but which is beyond the province of the registry.

3. The local acts should all be made consistent with each other, for their discrepancies not unfrequently cause trouble and cost.

4. Under the fourth head it will be necessary to go further into detail.

At the outset it is worth while noticing the difference between the legislation of the early part of last century and many of the register bills which, at a later period, have been laid, from time to time, before Parliament. The old Yorkshire acts furnish at once the principles and the details of practice. The authors of the more modern bills have been content generally to lay down principles only, leaving to other legal authorities the settling of the rules of practice. On the one hand, this course has evoked some distrust lest the readiest and most economical regulations might not be adopted—a matter of the utmost importance to meet the mass of small transactions. While, on the other hand, the insisting that every single working detail should be embodied in a measure of this character, renders the practice so inelastic, that nothing short of a fresh Act of Parliament will permit the adoption of the most obvious improvements or facilities which time and circumstances may suggest. The former has proved one of the hindrances to the attainment of a good general registry act; the latter may have, in some degree, prevented the Yorkshire registries rising to the requirements of the times.

For the improvement of these institutions, then, the following suggestions are offered:—

1. That the Lord Chancellor, with such other judges as may be thought desirable, should have power to make such rules and orders, from time to time, as may be found convenient or necessary for the better management of the register offices, agreeable to the true intention of the acts relating thereto.

2. That in place of a memorial, the owner should be at liberty to put a conveyance, or other instrument, under which his title is derived, [illegible] full length upon the register. This has always been the law in the [illegible] Riding; and although the plan may not have been extensively [illegible] it is fair to assume that those who have voluntarily availed [illegible] it have found it advantageous. Possibly, indeed, it [illegible] the course of business if all conveyances were recorded [illegible] mortgages and other incumbrances to be protected [illegible] their present form, or by caveats.

3. It seems important that it should be practicable to make a search in one office in each county or register-district for every kind of incumbrance. There is, perhaps, no good reason why deeds, wills, letters of administration, affidavits of intestacy, judgments, lites pendentes, crown deeds, decrees in equity, private Acts of Parliament, and every other instrument by which real estate is assured or encumbered, should not all be found at one office, possibly even under one index. The labour and cost of searches would thus be reduced to the lowest practicable amount.

4. The present mode of proving deeds for registry commonly involves unnecessary expense. This might be remedied by the provision that a commissioner to administer oaths in Chancery should have power in all cases to take affidavits for the purpose of registry. The expense of the journey of a witness from a distant part to Wakefield, the centre of the Riding, simply that he may make oath in person before the registrar, is considerable. To reduce it, and as a means of dividing it among several transactions, it is not unusual to delay the registry for a time, a course always involving more or less risk. If Commissioners in Chancery had the power just suggested, then the postal facilities of modern times would further help to secure a much less costly, and also a more punctual registry of deeds, following immediately on their execution, even if registry should still remain permissive, and not compulsory.

5. It should further be enacted that the best forms of indices should be maintained in the several offices. The Registration and Conveyancing Commissioners, in their Report of 1850, very forcibly said,—'If the index do not afford facility of search, and if it do not avoid all probable chance of error, the register will become comparatively useless, and may become mischievous.' The question, then, is, What is the best form of index? A writer, whose volume on the *Registry of Judgments* has just issued from the press, objects to an index arranged in strictly alphabetical order; 'because,' he says, 'to construct such an one, the whole of the names must be rearranged at stated periods, involving great labour;' and, further, he expresses the opinion that a register of incumbrances in this form, in which a single misplaced name might incur the risk of a loss of thousands of pounds, would not be guaranteed by the Legislature, and therefore the professional man would be afraid of placing entire dependence on it. This is an expression of opinion from a gentleman of some experience, connected with the Common Pleas Registry. Yet it is scarcely too much to say that those fears and objections are simply a groundless theory, and that they would vanish at once if the requirements of the Common Pleas demanded that it should be practically tested. It does involve considerable labour, unquestionably, to construct an index which shall show under each separate name, for a long series of years, all the transactions in real estate in chronological order, but the facility afforded is worth all the labour which such a compilation involves. And experience also shows that it is even more easy permanently to misplace a name in an index of less exact form than in one strictly alphabetical. If misplaced in the draft of the latter, the error will

readily be detected in the examination. And, in any other form, the fatigue and monotony of making a long search often cause the overlooking of the particular name for which search is made. In the West Riding Register it has been found, if not absolutely necessary, yet, at least, very convenient to have a condensed alphabetical index, which now covers the fifty-eight and half years of the present century, and shows 270,000 transactions, requiring not less than a million separate entries, arranged in the strictest order; and though this index lacks parliamentary sanction, which is a very decided disadvantage, and also possesses no parliamentary guarantee, yet the legal profession of the West Riding consult no other; they place entire dependence upon it, and it alone is employed by the registrar in all the searches which he is called upon to make, and for which he issues his certificates of the result. Clearly, therefore, it is practicable to make a facile, yet entirely reliable index; and it would be well that Parliament should require this in any future register act, irrespective of the labour or of any reasonable cost which may be involved.

6. The difficulty and expense of discharging judgments, and of entering up satisfaction of mortgages, are somewhat vexatious. That two witnesses should have to make a journey to the register office, simply to swear that the money due upon a judgment has been paid or satisfied, and then to require the signature both of plaintiff and defendant, instead of the plaintiff only, and both to be proved by the oath of the same two witnesses, even though plaintiff and defendant may be living miles apart, must strike any one as at once costly, cumbrous, and oppressive. Nothing would be easier than to afford complete security in all such cases, combined with a much simpler mode of proving the facts necessary for the removal and discharge of this class of incumbrances.

7. Into the question of a registry of title as distinct from a registry of deeds it is not desirable here to enter. But it may not be out of place to say that, on account of the smallness of very many of the transactions in the West Riding, often affecting little more than a simple cottage residence, and the competition which a crowded legal profession brings in its train, it may be safely asserted that no plans recently proposed touching the transfer of real estate have afforded reasonable promise that the small average cost of conveyances in this Riding would not be increased by their adoption; and the more especially if registry, either of title or of deeds, were central instead of local. Perhaps in no other part of the kingdom are the costs of conveyancing so small as in the West Riding. It is essential, then, that registry should be local, and that conveyancing be still left open to fair competition, leaving the duties of the registrar as entirely ministerial as possible. Official investigations of title may, nevertheless, be very desirable in certain cases; for example, in large transactions, or where a considerable subdivision of property may be contemplated. But in official investigations, doubtless, the strictest formal proof would be peremptorily required, while, under the existing system, local solicitors transacting business for persons well known to them, and respecting titles with which they are perfectly familiar, may be, and often are,

able, in strict justice to their clients, to avoid expenses on which a public tribunal must necessarily insist. Fortunately, in this question, there are no separate class interests involved. Every fresh facility for business, while it brings convenience and cheapness to the public, brings also a corresponding increase of transactions, and so an advantage to the legal profession. The interests of both, therefore, are concurrent.

8. Loans by bankers on deposit of title-deeds are now an important part of their ordinary business. It is essential, not less for the banking interest than for the convenience and advantage of the borrower, that no system of registry should impose difficulties in the way of these business facilities. In a community combining the commercial and the landed interests, such impediments would be seriously detrimental. That the banker should be protected by a caveat on the register, to be entered in a simple and inexpensive mode, is desirable. But beyond that, the existing practice of obtaining temporary loans ought not to be interfered with.

9. In cases of considerable subdivision of property, where covenants to produce title-deeds are often required, it would be a great convenience to allow all such deeds to be deposited at, or enrolled in, the Register Office; such deposit or enrolment being held to be a fulfilment of, or substitute for, covenants for production.

Such appear to be among the leading points which a connexion of nearly twenty years with the West Riding Registry enables me to suggest. It would be easy to particularize other details. Enough, however, has been said to show that large facilities, accompanied by a corresponding decrease of cost, might be secured by a revision and amendment of the Yorkshire Register Acts; while the more complete those registries are rendered, the better guide would they afford for the establishment of an uniform system throughout England and Wales. If no general Act be passed during the ensuing session of Parliament, it might be worth while to procure an amended Act for the three Ridings of Yorkshire; for this would not only render those offices more efficient, but, by the adoption of the fourth of the foregoing suggestions, at least 5000*l.* per annum would be saved to the landowners, as connected with their registries of deeds.

On the proposed Changes in the Law of Bankruptcy and Insolvency. By EDWARD FRY, *of Lincoln's Inn, Barrister-at-Law.*

MY object in the present paper is briefly to explain the provisions of the Bill to Amend and Consolidate the Laws relating to Bankruptcy and Insolvency,* which has been prepared under the directions of a

* This Bill, since its second reading in March last, has been altered in some points of detail. These alterations are stated in the Report of the Mercantile Legislation Committee, which will be found at page 257.—ED.

Committee appointed by the first meeting of this Association, and introduced into the House of Commons by Lord John Russell and Mr. Headlam.

My friend Mr. Henry Fox Bristowe and myself have been professionally employed in the preparation of this Bill; and the measure, as printed by the order of the House of Commons, is, with the exception of some few alterations, a copy of the draft prepared by Mr. Bristowe and myself under the instructions of your Committee. It is this connexion with the Bill which induces me to claim your attention to a brief exposition of its provisions.

1. In the first place, the Bill proposes to abolish the distinction between bankruptcy and insolvency. The Bankrupt laws, it must be borne in mind, apply to traders only; the Acts for the relief of insolvent debtors, to all men. The one branch of the law had its origin in consideration for those unforeseen losses and sudden calamities to which trade is exposed; the other rests on the quality of mercy and that folly of a State's filling its prisons with idle debtors which moved even Dr. Johnson to wish for a reform in the law.* The one affords the trader a complete discharge from his debts; the other leaves the insolvent free, no doubt, from personal arrest, but liable, as to his after-acquired property, to the demands of his creditors. The distinction between the two classes of insolvents, the trader and the non-trader, is not an unreasonable one in theory, but its practical results, in the present complicated state of society, are highly unsatisfactory. The most businesslike landowner in the country is no trader, and can only seek the benefit of the Insolvent Court; but if he happen to have had a few dealings in cattle, or to have bought a few tons of stone and resold it as lime, he may obtain his discharge as a cattle-salesman or a lime-burner. A solicitor often comes in for the benefit of the bankruptcy laws as a scrivener, and men of the turf as horse-dealers. The distinction has ceased to be useful, and ought to be abolished, except in so far as regards some of the penal enactments of the bankruptcy code, and as the distinction between trader and non-trader may rightly influence the judicial discretion of the Commissioners in deciding on questions of certificate. Accordingly, the Bill now under discussion, declares that all debtors, whether traders or not, are liable to become bankrupt, abolishes the Court for the Relief of Insolvent Debtors, and transfers its duties to the Court of Bankruptcy.

2. In the next place, the Bill before us is a consolidating statute. The law relating to bankruptcy and insolvency is now to be found in no less than twenty Acts of Parliament, beginning with the first year of George I., and extending to the 19th of her present Majesty, and including the Bankrupt Law Consolidation Act of 1849. The whole of these acts and parts of acts are to be abolished, and all those portions of them which are necessary are re-enacted by the present Bill, which is one of the principal reasons why it has attained the somewhat unusual length of 452 clauses. It scarcely need be re-

* See *Adventurer*, No. 41; *Idler*, Nos. 22 and 39.

marked that no branch of the law more requires to be reduced to a code than the law of bankruptcy and insolvency, for none is more likely to be referred to by a non-professional reader.

3. It is further proposed by this Bill to give to the County Courts a certain jurisdiction in bankruptcy. Every petition in bankruptcy is to be filed in a Court of Bankruptcy, and adjudication is to be made upon it by that Court; but at the first meeting of the creditors held thereafter, or at any adjournment of it, a majority of the creditors may determine that the petition shall be transferred into any County Court, and the Judge of the County Court thereupon becomes invested with the jurisdiction and authorities of a Commissioner in Bankruptcy. In this way the benefit of the official assignee's services in the interval between bankruptcy and the appointment of a trade assignee (who, as will afterwards be stated, is to supersede the official assignee), will be retained in every bankruptcy, and the advantages of proximity secured in the subsequent proceedings in the County Court.

4. The next point to which I shall call your attention, is the change proposed in the duties of the official assignee. As you are aware, that officer now acts in two capacities:—1st. During the interval between the adjudication and the appointment of the creditors' assignee, as the sole assignee of the estate; and, 2ndly, after the appointment of the creditors' assignee, in concurrence with him. The first of these duties it is proposed to leave unaltered; whilst, with regard to the second, there are two reasons which induce the desire of change—the one being the evils and inconveniences which result in the administration of the estate from divided power and divided responsibility, (and these are found neither trifling nor infrequent;) the other being the desire to give to the creditors of the estate a more extensive power of directing its administration in whatever way, and through whatever agents, they may judge best for their interests.

The course of procedure, therefore, indicated by the Bill is as follows:—The official assignee will, immediately on the adjudication, take possession of the bankrupt's estate, and, as now, act as the sole assignee until the creditors shall, at their first meeting, elect a creditors' assignee; thereupon the official assignee shall cease from his duties as such, and shall render to the creditors' assignee an account of his receipts and payments. The creditors' assignee will, thenceforth, be the *sole* assignee of the estate, performing nearly all the duties now devolved upon the creditors' and official assignee together; save only that these duties will be somewhat narrowed, not merely by the larger discretion in the management of the estate to be given to the meetings of the creditors, but also by the appointment of three of the creditors to be inspectors—amongst whose duties it will be to superintend the proceedings of the creditors' assignee, and to give their advice and assistance relative to the management of the estate.

The creditors are at their first meeting to elect their assignee, subject to a power in the court, (after hearing any creditors desirous of objecting to the appointment,) either to confirm it, or to set it aside, and direct a fresh election. At this meeting. the creditors are to

decide on the security to be given by the creditors' assignee, and the amount or rate of remuneration to be paid to him; they are further to determine with what bank the account of the estate shall be kept, and in what names, and to give direction as to the investment of the moneys. Besides this, the creditors have a power, if subsequently dissatisfied with their assignee, of applying to the Court for his removal, and, in that event, of electing a new one. Lastly, the Bill permits any official assignee to become a creditors' assignee in respect of any estate.

The result of these changes will, I think, be apparent. In the first place, by this Bill, the services of the official assignee are retained in that interval of time which, but for the instant intervention of some permanent official person, would afford a tempting opportunity for abstracting property from the estate. In the next place, it leaves to the creditors that unfettered power of making their own terms with their officer, and of directing the management of the estate, which forms one of the great reasons which now operates in favour of private arrangements over a proceeding in bankruptcy, and yet invests the assignee with those powers, which, when exercised under the control of the Court, afford safe facilities for the winding up of the bankrupt's affairs. Furthermore, the banking account of each estate being dealt with separately, the present complex system of accounts in bankruptcy falls to the ground, and with it that system of complicated, but, as I firmly believe, useless, supervision, which the accountant in bankruptcy rules over. The office of accountant is consequently abolished by the Bill before you, and provisions are made for transferring all the distinct funds now under his management to the account of the Chief Registrar. Lastly, it will be a most important result from these changes, that competition for the office of creditors' assignee will be called forth between the official assignees of the Court and public accountants in general. If the official assignees are found to be obliging and active officers, their previous connexion as official assignees with the estate will, no doubt, in most cases, insure their election as trade assignees; if, on the contrary, other persons are found to be more vigilant and successful in the realization of the estates entrusted to them, the official assignees will have to yield their place, except, of course, as regards their interim duties as official assignees, for which they are to be paid by salary.

5. With regard to the certificate, one very important change is to be introduced:—I refer to the abolition of the existing classification. This is a change of the expediency or inexpediency of which I confess myself unable to judge, and the opinions of men of business, and the evidence presented to the Commission of 1853, are so discordant, that they afford no help in the matter. Your Committee are, however, I believe, nearly, if not quite, unanimously in favour of this change.

6. I shall now call your attention to the clauses introduced into this Bill in respect to arrangements and compositions, which are some of the most important provisions of the Bill; and as they are of some

little complexity, I shall briefly state the principal divisions of the subject before further discussing it.

There are these provisions; (1) for arrangements under the superintendence of the Court without and before an adjudication of bankruptcy; (2) for arrangements after adjudication; (3) for composition after bankruptcy; (4) for arrangements by deed or memorandum, rendered obligatory on creditors not signing the same; (5) for arrangements not rendered so obligatory; and, lastly, in respect of arrangements by deed or memorandum in general.

The first class of clauses, namely, those relating to arrangements under the superintendence of the Court, need not detain us; for though some changes are introduced, they are somewhat in matters of detail.

The second set of clauses relate to arrangements by deed, after adjudication of bankruptcy, and are entirely new to English law; they have been partially borrowed from the Scotch Bankruptcy Act of 19 and 20 Vict. cap. 79. The creditors under any bankruptcy may, at any meeting, by a majority in number, and four-fifths in value, resolve that the estate shall be wound up under the terms of a deed: on the production of this resolution to the Court of Bankruptcy, the Court may stay the proceedings in bankruptcy, and make provision for the interim management of the estate; and, on the production to the Court of the deed signed by a majority in number and four-fifths in value of the creditors, the Court may, after due hearing, confirm the deed, and declare the bankruptcy at an end, or, on the other hand, in case the arrangement is not prosecuted, or the Court sees fit to refuse to confirm the deed, the bankruptcy will proceed in due course.

The most important change in the third set of clauses which relate to composition after adjudication of bankruptcy, is the alteration in the majority of creditors accepting the composition necessary to bind the minority. By the present law, nine-tenths in number and value are required: by the Bill now before you a majority in number and four-fifths in value is made sufficient.

The remaining set of clauses relate to arrangements between debtors and their creditors by deed or memorandum come to without the sanction or introduction of the Court. The present state of the law on this subject is confessedly unsatisfactory. In the first place, the existing clauses relating to arrangements rendered obligatory on creditors not signing them are so narrow in their operation, that comparatively few deeds have been found to stand the test of discussion in the courts. It has been held not only that provision must be made for the distribution amongst all the creditors, but that the arrangements must comprise *all* the property of the debtor—an implied reservation of the wearing apparel of himself and his family has, in a recent case,* been held to avoid the deed: and judges have thrown doubts on the binding effect of such deeds, because they have left too much power in the hands of the inspectors, and the property has not

* Snoden v. Boyce, 28 L. J.; Ex. 245.

been sufficiently devoted to the sole purpose of winding-up.* It is evident that these clauses, if they are to be anything but sources of litigation, must be rendered more large in their terms and expansive in their operation.

But greater evils still are found in connexion with these arrangements: indeed, it is well known to all mercantile men that one of the greatest evils connected with insolvent estates is the prevalence of these arrangements and assignments to which creditors are well-nigh forced to submit, because the only alternative before them is a resort to the present Bankruptcy Court, with its expensive machinery. These arrangements are cloaks for all sorts of fraud. There is no means of enforcing their execution but by a resort to Chancery, which in many cases is equivalent to having no remedy at all. The alternative put before the creditor is too often this—sign the deed, and be thankful for all you get under it, or throw the debtor into the Bankruptcy Court, and lose sixty per cent. of the already insolvent assets. These are some of the evils to be dealt with. I will now briefly state the proposed remedy.

By the Bill before you, every deed or memorandum of arrangement signed by a majority in number and four-fifths in value of the creditors is made binding, if it provide for the distribution amongst the creditors of the whole or some part of the debtor's effects, and purport to contain a release or covenant not to sue on the part of the creditors; and it may in addition contain stipulations as to inspection and management and as to carrying on or winding up the trade or business of the debtor; but this deed must be registered in the Court of Bankruptcy or the County Court—of the effect of which hereafter—and notice of it must be published in the *London Gazette*.

The next following clauses permit the registration of any deed or memorandum of arrangement between a debtor and his creditors, whether some of them only or all, and whether for the distribution of the whole or any part of his estate, and whether containing clauses for inspection and carrying on of the business or not; and this may be done at the instance of the debtor or any one of his creditors, whether he have or have not signed the deed, and whether he be or be not a party to it.

There are, therefore, a compulsory registration in the Court of arrangements rendered binding on non-signing creditors, and a permissive registration of all other arrangements whatsoever. What, then, are the effects of this registration? So soon as it is effected, the Court will, if this Bill shall become law, be armed with power, either upon its own proper motion, or upon the application of any trustee, inspector, or creditor, to examine the debtor or any other witnesses, as to the dealings and transactions of the debtor, or the mode in which the arrangement has been carried into effect. In case of improper administration of the estate by the trustees or inspectors, any creditor may apply to the Court, which may make such order as the justice of

* *Exparte* Calvert, 27 L. J.; Bank. 42.

the case may require. Furthermore, the Court is to have all such jurisdiction in enforcing the execution of the trusts, and the specific performance of the terms of the deed, as are now vested in the Court of Chancery, and it may exercise any of these powers in respect of any particular matter brought before it without requiring the whole affairs of the estate to be administered by the Court.

These clauses are, it will be seen, designed to leave the relations of the debtor and his creditors unfettered, and still open to any mutual conventions between them; to leave to a certain large majority of the creditors that power of binding the minority, which seems essential to prevent the interests of the many from being sacrificed to the ill-will or the vindictive feelings of the few; but at the same time to afford a simple and cheap mode for the discovery of fraud and for ensuring the honest administration of the debtor's estate under every form of arrangement. It would ill become me to hazard an opinion, whether these objects are successfully carried into effect by the clauses under discussion; but of the importance of the principles which they are designed to embody, I am firmly convinced.

7. The clauses for the distribution of the estates of deceased debtors, more popularly known as the Dead Men's Clauses, next claim your attention. The difficulties which stand in the way of the successful operation of any such provisions are, it must be admitted, very considerable, and no part of the Bill has claimed our more anxious consideration in its preparation. We have availed ourselves of the similar clauses contained in the Bill introduced by Lord St. Leonard's in 1853; but we have ventured on what we believe to be improvements in them.

It must be observed, on the one hand, that the expediency of giving Courts of Bankruptcy some jurisdiction in cases where, but for the accident of death, the debtor's estate would have come into the Court, is obvious; on the other, it is equally obvious that the Court of Bankruptcy is not suited, like the Court of Chancery, for the general administration of the estates of deceased persons, and that some limit must be put upon the estates capable of being brought within its jurisdiction. The Bill therefore provides that, where any debtor had committed an act of bankruptcy within three months before his death, or was a trader at the time of his decease, a petition for distribution of the estate may be presented by any creditor; but such petition shall not be presented within three months after the decease of the debtor, except with the consent of his representatives, or except after one month's notice in writing given to his representatives. A similar petition for distribution may be presented by the executors or administrators of a deceased trader who died indebted. On due proof of the requisite circumstances being given, and the representatives not having shown satisfactory cause to the contrary, the Court may make an order for the distribution of the estate of the deceased debtor, which is to be carried into effect in the same manner as in the case of an ordinary bankruptcy, with the differences necessarily resulting from the death of the debtor, including a saving of the priority of funeral and testamentary expenses, and of certain rights of the exe-

cutors. In the case in which no act of bankruptcy by the deceased debtor is proved, a further departure is to be made from the usual proceedings in bankruptcy; for the Bill before you proposes that in such cases, the real and personal estates of the debtor shall be administered in the order and priority which would be observed in the administration of the same estate by the Court of Chancery. The necessity of this provision is obvious; if it were omitted, we should have two concurrent jurisdictions administering precisely similar estates upon totally different systems, which I am sure you will agree with me, would be at variance with the first principles of legislation.

8. In the clauses relating to evidence, one change of some importance has been introduced. In all courts other than those of bankruptcy, the production of the certificate of bankruptcy is not, in the present state of the law, sufficient evidence of the title of the assignees claiming under the bankruptcy, and accordingly it is necessary, in suits by them, where their title is put in issue, to prove the petitioning creditor's debt, the adjudication, and all the other steps of the proceeding. In this manner the superior courts do, in fact, exercise a corrective power over the Court of Bankruptcy; for, unless the court in which the assignees are proceeding be convinced of the entire regularity of the bankruptcy, the suit cannot be sustained. This state of the law appears highly unsatisfactory. 'We think,' say her Majesty's Commissioners appointed in 1853, 'that the making the validity of the certificate cognizable in other courts is also objectionable. The judgment of the Court of Bankruptcy subject to appeal should be conclusive on that question' (Report, p. 17). This desirable change is effected by the 400th clause of the Bill before you.

9. In the penal clauses considerable changes and simplification have been introduced, the particulars of which I shall not detain you by detailing. For the purpose of these clauses it has appeared necessary to retain the distinction between traders and non-traders: for instance, it may be very fit to make it penal in a trader not to keep books of account, but it would be obviously unjust to apply the same enactments to a private lady, who, it will be remembered, is by this Bill made liable to bankruptcy.

The offences are grouped into two classes, the one rendering the offender liable to two years' imprisonment with or without hard labour, and the other to a like incarceration of one year. The provisions of the Bill as to the refusal or suspension of the certificate by the Commissioners are adapted to this classification; for it enacts that where, in the opinion of the Court, the bankrupt shall have rendered himself liable to *two* years' imprisonment, the certificate is to be refused; where to *one* year's imprisonment, it is to be suspended for not more than three years nor less than one year.

A change is further effected in the mode in which the prosecution for offences is to be conducted. By the present law, the Court may direct the assignees to prosecute the bankrupt for any offences of which he may be suspected or with which he may be charged contrary to the Bankrupt laws, and may direct that the costs shall be paid out of the bankrupt's estate, i.e. out of the pockets of the creditors. If the present Bill

shall become law, the Commissioner will be invested with the power of a justice of the peace, to commit the bankrupt for trial, and the expenses will be borne, not by the creditors, but in the same manner as the expenses of prosecution for ordinary felonies.

10. The great expense of the Court of Bankruptcy is perhaps its greatest evil. This was fully recognised in the Report of her Majesty's Commissioners appointed in 1853, from which I shall extract their statement of the present state of things in this respect. 'There are,' they say, '1st. A stamp of 10*l.* paid on the petition, and other stamps, varying from 1*s.* to 5*l.* for different proceedings. 2nd. Allowances to the broker and messenger. 3rd. In London, the fees for each meeting paid to the registrar of meetings, viz., 6*d.* for his own use, and 10*s.* for the building fund. 4th. The remuneration to the official assignee, consisting of a sum now not exceeding 20*l.* for the examination of the bankrupt's accounts, and various per-centages on every debt collected, on property realized, and on the payment of dividends. 5th. A per-centage paid to the chief registrar's accounts, being not less than one-eighth of a pound per cent., nor more than 5 per cent. on the gross produce of the bankrupt's estate. 6th. The allowance to the bankrupt's accountant for the preparation of the balance-sheet: and 7th. The allowances to the bankrupt for maintenance and upon dividend' (Report, p. 14). These expenses, enough in themselves, are exclusive of two other items, namely, the solicitor's charges, and the costs of a prosecution, when this may have been directed by the Court. It is no marvel if, with these nine several sources of charge, the per-centage of expenses deducted from the already insolvent assets before distribution is something alarming.

The Bill before you proposes to deal with these nine heads of expense thus:—1st. The stamp on the petition is reduced from 10*l.* to 1*l.*, and a great diminution is made in the stamps on the other proceedings. 2nd. The broker and messengers are abolished, and their duties devolved on the official and creditors' assignees and the ushers of the court. 3rd. The fees to the registrar of meetings are abolished. 4th. The official assignee will, for his services as such, be paid by a small salary charged on the Consolidated Fund, and the remuneration of the creditors' assignee, whether he be the official assignee or some other person, will, it is remembered, be a matter of arrangement between him and the creditors. 5th. The per-centage on estates is abolished. 6th. The duty of assisting the bankrupt in the preparation of his accounts is devolved upon the official assignee, as part of his official duties, except in cases where the Court shall think it just that the bankrupt should be assisted by some other person; in which case a remuneration will be allowed out of the estate. 7th. Allowances to the bankrupt will still be made. 8th. The solicitor's costs will be diminished by the change in the mode of procedure, and especially by the diminution in the number of meetings required by the present Bill. And 9thly and lastly, the costs of prosecutions are, you will remember, to be borne in the same way as the prosecution of any other crimes.

The act provides for the payment of the salaries of the judges and officers of the Court, and the existing and future retiring pensions and compensations out of the national funds; and, as some compensation for this to the Chancellor of her Majesty's Exchequer, it will transfer to the credit of the Consolidated Fund all sums now in Court, except so far as they are necessary for the payment of dividends on estates under administration. This proceeding appears to be just. With regard to compensations for abolished offices, the Commissioners of 1853 remark, 'It is not reasonable, when a great alteration in the law has been made for the public benefit, that the effect of that alteration should be to throw on the suitor a larger burden in the shape of compensation for abolished offices. If the funds in Bankruptcy were still sufficient to pay such compensations, there would be, comparatively speaking, much less hardship; but when the funds of the Court have become deficient through the changes in the law endeavouring to accomplish a great public benefit, we cannot but think that the nation should bear what the nation profits by.'—(Report, p. 25.)

With regard to the payment of the judges' and other salaries out of the Consolidated Fund, it must be remembered that the Court, as modified by this Bill, would have jurisdiction, not over traders only, but over all insolvent debtors; that it would apply, not to cases of strict bankruptcy only, but to all cases whatsoever of arrangement between debtor and creditor; and that it would be a court of criminal jurisdiction. It seems to me that such a jurisdiction is of so national and universal an importance in a country like ours, that the expenses should be national also, for 'qui sentit commodum sentire debet et onus.' Furthermore, it must be remembered that the distinction between administrative and judicial expenses is observed, as the former would, with but trifling exception, come out of the respective estates, whilst the latter would, as above explained, be cast upon the country at large.

These are some of the principal changes which will be effected in the law of Bankruptcy and Insolvency, if the Bill prepared under your sanction shall become the law of the land: they are by no means all the changes proposed to be effected by it; and there are many others of its provisions to which I should gladly direct your notice, did time permit.

Before concluding, I crave permission to occupy one minute with a remark of a personal character. I am anxious that it should not be supposed that the Bill in every particular meets with the approval of Mr. Bristowe or myself. There are some provisions which we have inserted, in pursuance of our instructions, which we do not think expedient; and some few changes have been made, not by our hands, for which we are not responsible. But in the general scope and end of the measure we both heartily and fully concur.

My friend Mr. Bristowe has obligingly perused the paper which I am now concluding, and permits me to add, that it expresses our united opinions on the subject which has been entrusted to our joint care.

On the Law of Collisions at Sea, where Foreign Vessels are concerned. By J. T. DANSON, *Barrister-at-Law, Vice-President of the Liverpool Chamber of Commerce.*

THE risk of collision with other vessels is now one of the most serious to which vessels at sea are liable; and the increasing number of powerful steamers, running direct courses, and not always slackening speed at night, or in foggy weather, is annually increasing its importance. Where no blame can be imputed to either of the parties concerned, this risk has hitherto been regarded as one of the ordinary dangers of the seas; and, as such, it may be fully insured against. But where either vessel is in fault, the risk assumes a new aspect. And it is to this class of cases alone that the present paper has reference.

A collision, with resulting damage, having taken place between two vessels, and having been traced to fault in one of them, the owner of the vessel in fault should, by the general rule of law, be the sole sufferer. And if two vehicles were so to come into collision on land, he would be so, by the law of all civilized countries. But some degree of immunity, in such cases, has long been allowed in our own and other maritime countries to shipowners. And it is to a remarkable defect, recently made apparent in the law of this and other countries, touching the granting of this immunity, that I have now to ask your attention.

It will be convenient, however, first to consider, generally, the state of the law as it now is in the principal maritime countries of the world.

The earliest European enactment to which I need refer is the celebrated *Ordonnance sur la Marine*, framed by Colbert for the regulation and protection of the maritime interests of France, and published in 1681. It was there enacted, that 'the owner of a ship shall be responsible for the acts of the master; but he may discharge himself of this liability by abandoning the ship and its freight.' This has ever since remained a part of the French law, and is now embodied in the *Code de Commerce*, art. 216, thus:—

'The shipowner is civilly responsible for the acts of the master, and is bound by his contracts, so far as these concern the ship and the voyage. He may, in all cases, free himself from such obligations by abandoning the ship and the freight.'

So, if one French vessel negligently runs against and sinks another, and the vessel in fault sinks also, the party injured has no redress; and, in any case, the redress is practically limited to the value of the vessel in fault, and her accruing freight. And it would seem that this value must be taken *after the collision*.

In Holland the law seems to be substantially the same as in France. An Ordinance, made at Rotterdam in 1721, declared 'that the owners shall not be answerable for any act of the master done without their

order, any further than their part of the ship amounts to; and article 320 of the Dutch *Code de Commerce* is identical with article 216 of the French, already referred to.

Articles 648 and 649 of the Russian code, and articles 1326 and 1336 of the Portuguese code, are also the same, in effect, as article 216 of the French code.

And the laws of Sardinia, of the Two Sicilies, and of Greece are nearly the same.

It is to be observed, however, that in all these countries (as well as in England and in the United States) the limitation of liability, thus defined, is extended to the shipowner only when the fault is that of a servant or agent; and therefore not when the captain and the owner of the vessel, claiming the benefit of the law, happen to be the same person. Whence it will be observed that, technically considered, the limitation operates only within the range of the law of principal and agent.

In the United Kingdom, until 1813, notwithstanding the liability of shipowners had long been limited by Statute as regarded their capacity of *carriers* by sea, they remained liable for the whole amount of the damage faultily done by their vessels to others in collision. In that year (by Stat. 53 Geo. III. c. 159, s. 1) British shipowners were exempted from liability for 'any loss or damage arising by reason of any act, neglect, matter, or thing done, omitted or occasioned, without their fault or privity, happening to any goods, wares, or merchandize, or other things laden on board, *or which might happen to any other ship, or to any goods, &c., on board any other ship*, further than the value of the ship, and of the freight due, or growing due, for the voyage in prosecution, or contracted for at the time of the loss.'

Excepting the words in italics, this was a mere re-enactment of previous exemptions, made by the Statute 7 Geo. II. c. 15, and 26 Geo. III. c. 86. These words for the first time limited the previous liability of shipowners for damage done to other ships or goods by collision. The policy of all the three acts referred to was probably the same. But the only judicial expression of this policy, of which I am aware, is that afforded by Mr. Justice Buller in 1785, on giving judgment in the case of *Sutton* v. *Mitchell* (1 Durnford & East, 20). Referring to the earliest of these Acts (7 Geo. II. c. 15), he said, 'It meant to relieve the owners of ships of hardships, and to encourage them; and at the same time saying, that, so far as you have trusted the master and mariners yourself, so far you shall be answerable; which is to the value of the ship and freight.' Colbert, also, avowed an intention to promote maritime adventure, by relieving it of one of its risks; but the reason for limiting the liability to the value of the ship and freight was not expressed by him. It was probably the same as that stated by Mr. Justice Buller on behalf of the English Statute. It will be observed, however, that this brings to view no justification for that which alone seems to need justifying: the limitation (itself) of the law of principal and agent, as regards shipowners, *to the exclusion of every other class of principals.* If a waggoner, in negligence,

drives his waggon against a carriage, the owner of the waggon becomes liable for the damage done to its full extent, and not only so far as the value of the waggon may extend. And so with other principals. They also might, in many instances, plead a limitation of the trust placed in their servants; but they are not permitted to limit their liability for damage done by such servants to the value of the property they have thus placed in their charge. The true ground of the exception in favour of shipowners seems to be indicated in the following extract from a Report on this subject recently published by the Liverpool Chamber of Commerce:—

'The general rule of law, as applicable to all other employers—that they shall be liable for damage done by their servants in the ordinary course of their employment—being admitted to be a just one, it appears to your committee that in order to justify the limitation in question, shipowners, as a class, must be shown to occupy a special and exceptional position with reference to that rule. And in this, as your committee conceive, there is no difficulty. The rule is obviously based on the assumption that the employer sought to be implicated has, or may have, under ordinary circumstances, such control over the servant in fault, as, being properly used, would have enabled him to prevent the damage in question. Apart from this assumption, and except in so far as it may be, in fact, well founded, your committee are unable to perceive any just basis for the rule itself. And this being so, it would seem to follow, as a necessary consequence, that the liability incurred by any particular class of employers may be justly measured by the extent of the control they can be fairly supposed capable, under ordinary circumstances, of actually exercising over their servants.

'Now to your committee it seems to be indisputable that the occupation of a shipowner is one which, above all others, places the persons employed (i. e. the captain and crew of a ship when at sea) beyond the actual control of their employer. And it will be observed that the words of the Act* make the limitation of liability expressly dependent on the damage being done without the actual fault or privity of the owner.

'The whole of the time passed by a ship at sea is universally recognised as one of peculiar peril—of peril not wholly to be averted by any human care, and from time immemorial provided against by the practice of insurance. The very accidents and collisions contemplated by the law now under consideration, in most instances do, and in many instances must, partake largely of this peril—and might therefore, with more or less of propriety, as the element of human misconduct should be less or more perceptible, be classed among 'the dangers of the seas.'

'Whence, as the rule rests upon implied control, and only a partial or limited control can here be justly implied, or is even contemplated

* The Act here referred to is the Merchant Shipping Act, 17 & 18 Vict. c. 104, s. 504, passed in 1849, and embodying the law of 1813, as above cited.

by the law itself, your committee conceive that the operation of the rule may also with justice be limited.'

The law of 1813 was re-enacted by the Merchant Shipping Act (17 and 18 Vict. c. 104, s. 504), passed in 1849; and is now in force. The section referred to is as follows:—

'No owner of any seagoing ship, or share therein, in cases where all or any of the following events occur, without his actual fault or privity:—

'1. Where any loss of life or personal injury is caused to any person being carried in such ship,

'2. Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship,

'3. Where any loss of life or personal injury is, by reason of the improper navigation of such sea-going ship as aforesaid, caused to any person carried in any *other* ship or boat,

'4. Where any loss or damage is, by reason of any such improper navigation of such sea-going ship as aforesaid, caused to any *other* ship or boat, or to any goods, merchandise, or other things whatsoever, on board any other ship or boat,

Is answerable in damages to an extent beyond the value of his ship, and the freight due or to grow due in respect of such ship, during the voyage, which, at the time of the happening of any such events as aforesaid, is in prosecution, or contracted for, subject to the following proviso:—that, in no case, where any such liability as aforesaid is incurred, in respect of loss of life or personal injury to any passenger, must the value of any such ship, and the freight thereof, be taken to be less than 15*l.* per registered ton.

In the United States of America the law appears to be substantially the same as in this country. See Statute of 3rd March, 1851, s. 1, cited in Brightley's *Digest*, 1858, p. 834.

It remains, however, to observe that under the law of England—and it may be presumed to be the same in the United States—the value of the ship, limiting the liability of the owner in a case of collision, has been decided to be the value as it was *immediately before* the collision. Hence an important practical difference between the law as it is in England and America, and as it is in France and other Continental countries. The French shipowner, as we have seen, obtains immunity by abandoning his ship; and as the option to abandon must be exercised after the collision, and with knowledge of it, the remedy of the injured party is, in fact, limited to the value of the vessel in fault *after* the collision has taken place, whatever that value may be. The English law, by taking the value *before* the collision, obviously, and considerably, increases the efficacy of the remedy.

Passing this difference, however, as not at present material, it will be seen that the laws of different maritime countries display a general agreement in limiting the liability of shipowners for the effects of collision brought about, however faultily, by the acts of their servants. On the other hand, it is equally obvious that the government of each

country can legislate only for its own subjects; and hence that, in the absence of international agreement, these laws do, and can, in fact, provide only for collisions between vessels both of which shall be owned by subjects of the government before whose courts redress, in such cases, shall be sought. So that collisions between foreign vessels, or even between native and foreign vessels, though they may be adjudicated upon by our courts, or by those of other countries, cannot be there brought under the law of limited liability above described. And it is the practical result of this state of things which, having recently excited the attention of the mercantile community, has invested with immediate interest the state of the law on this topic.

THE LAW AS APPLIED TO A RECENT CASE.

About midnight, on the 28th of April, 1857, in St. George's Channel, and somewhere between the Tuscar lighthouse, on the coast of Wexford, and the opposite coast of Britain, a collision took place between the *Tuscarora*, an American (United States) ship, bound from Liverpool to Philadelphia, and the *Andrew Foster*, another American ship, bound from New York to Liverpool. The *Andrew Foster* foundered soon afterwards; and was, with her cargo, totally lost. The *Tuscarora* was much damaged, and returned to Liverpool for repairs.

On the 8th of May following the *Tuscarora* was placed under arrest by an Admiralty warrant, to answer a claim of 8000*l.*, on behalf of the consignees of a part of the cargo of the *Andrew Foster*. It then became necessary for the owners of the *Tuscarora* (or rather their agents in Liverpool) to consider whether the ship should be laid up under the warrant, to abide the issue of the legal proceedings thus commenced, or be released by bail given for the amount claimed. Assuming that if the *Tuscarora* were deemed in fault, the liability of her owners would be limited by the operation of the Merchant Shipping Act (17 and 18 Vict. c. 104, s. 504) to the value of the ship, and the freight due or to grow due in respect of the voyage she was engaged in, the agents in Liverpool of the American owners gave bail for the 8000*l.*, and released the ship. She then proceeded on her voyage.

In October, 1857, the *Tuscarora*, having returned to Liverpool, was again placed under arrest by an Admiralty warrant, to answer a further claim of 1800*l.* in respect of another portion of the cargo of the *Andrew Foster*. Under the same view of the liability of her owners as had before been taken, bail was again given for the sum claimed, and the ship again released.

In November, 1857, the Court of Admiralty gave judgment, declaring the *Tuscarora* in fault, and condemning her to pay damages and costs. But, from this judgment, her owners appealed to the Judicial Committee of the Privy Council.

On the 30th of January, 1858, however, and before this appeal could be heard, the *Tuscarora* being again in Liverpool, was again arrested, as before, to answer a third claim of 23,000*l.*, made by Ame-

rican citizens, the owners of the *Andrew Foster*, and of other portions of her cargo. But as the 9,800*l.* for which bail had already been given was deemed the full value of the *Tuscarora* and her accruing freight at the time of the collision, and the Court of Admiralty, on a motion made on behalf of the owners of the *Tuscarora*, refused to release the ship without bail, she was then laid up in custody.

On the 25th of March, 1858, the Court of Appeal confirmed the judgment of the Court of Admiralty previously given, condemning the *Tuscarora* in damages and costs.

The owners of the *Tuscarora* then determined to appeal to the Court of Chancery, under the 514th section of the Merchant Shipping Act, in order to have the value of their ship and her accruing freight at the time of the collision, duly ascertained, and to have their liability in the several actions pending against them limited to the amount thus ascertained. Having done so, it was decided by Vice-Chancellor Wood, that the 504th section of the Act, under which this limitation of liability was claimed, *does not apply to foreign vessels.* The case was then taken before the Lords Justices on Appeal; and there this decision of the Vice-Chancellor was confirmed.*

In construing the words of the Merchant Shipping Act, the Vice-Chancellor appears to have been guided by the dictum of Dr. Lushington in the case of the *Zollverein*, contained in the following passage:—

'In looking to an Act of Parliament with reference to such a question as I am now discussing, viz.: as to whether it is intended to apply to foreigners or not, I should, in endeavouring to ascertain the construction of the Act, always bear in mind the power of the British Legislature: for it is never to be presumed, unless the words are so clear that there can by no possibility be a mistake, that the British Legislature exceeded that power, which, according to the law of the whole world, properly belonged to it. The power of this country is to legislate for its own subjects all over the world, and as to foreigners within its jurisdiction, but no further. That being so, I should be ill-disposed to think that any attempt has been made to exceed that power, unless the words of the statute prevented my coming to a contrary conclusion.'

The Vice-Chancellor also cited the interpretation given by Lord Stowell to the Act 53 Geo. III. c. 159, on the general question (raised in the case of the *Carl Johan*), whether that act was applicable to foreigners, as follows:—

'Anciently owners were, under the general law, civilly answerable for the total loss occasioned by the negligence or unskilfulness of the persons they employed; but the avowed purpose of the relaxation of this rule of law was to protect the interests of those engaged in the mercantile shipping of the State, and to remove the terrors which would otherwise deter people from embarking in the maritime commerce of a country, in consequence of the indefinite responsibility

* *Law Times'* Reports, vol. xxxi. pp. 173—307.

which the ancient rule attached upon them. It was a measure evidently of policy, and established by countries for the encouragement of their own maritime interests.'

The decision of the Vice-Chancellor is sufficiently expressed in the following passage from his judgment :—

'The present statute [the Merchant Shipping Act, 1849] is framed for the relief of the shipping of this country. The general law of nations, with regard to injuries of this description, would have provided a more extensive remedy than that provided by this Act, which restricts the liability to the value of the ship, and so far materially benefits the shipowner. The question, then, is, whether the Legislature of this country would have the right to take away or lessen the rights and privileges of foreign owners, which they would enjoy under the general law of nations, and tie them down by this municipal law, to the limited relief thereby afforded. I apprehend such a construction would, in the words of Dr. Lushington, be 'the last one I ought to give.''

It will be observed that the Vice-Chancellor here speaks of the shipowner seeking compensation as being a foreigner, and of the one in fault as either British or foreign ; and urges the injustice of limiting the natural rights of foreigners by a merely British law. It is obvious, however, that the same argument is equally applicable, whether the foreigner be the party injured or the party liable, and is also as applicable to the laws of other countries as to ours. In other words, this judgment declares, so far as the judgment of an English court can do so, that the general and ancient law of unlimited liability is still applicable in all cases, excepting only where the parties concerned shall happen to be both subjects of the State in which the question shall be tried.

Now mark the practical bearing of this section of our Merchant Shipping Act, as thus construed :—

In the year 1857, the number of *British* vessels which cleared out of British ports, for all parts of the world, and were, so far, subjected to the chance of collision, was 27,113. The number entering in the same year was 27,596. And as to all collisions occurring between these particular groups of vessels, while they were on our own coasts, or within the jurisdiction of British law, the shipowner whose vessel might be in fault had the protection of our Merchant Shipping Act. But if the collision occurred on a foreign coast, or was brought under the adjudication of a foreign court, there was, and there is, no such protection.

Again, there is the chance—not a very remote one—of collision with a *foreign* vessel. The number of such vessels which entered the ports of the United Kingdom in 1857, was 21,942, or not very far short of the number of British vessels entering in the same period; and the number leaving our ports in the same year was 23,469. So that, as judged of by reference to the numbers passing, the chance of a British vessel entering or leaving one of our ports coming into collision with a *foreign* vessel was nearly equal to the chance of her

coming into collision with a *native* vessel. And, as we have seen, the law of limited liability above referred to, whatever its merits, is, as to foreigners, wholly inoperative, even when the locality of the collision happens to bring it within the jurisdiction of our own courts.

THE DEFECT OF THE LAW.

The avowed purpose of our own law being to limit the liability of the shipowner, and similar laws, with similar objects, existing in all maritime countries, it is manifest that the recognised policy of the whole maritime world is, in this matter, substantially the same. It is true that there are in use two modes of effecting the limitation, as exemplified in the English and in the French law. But the principle remains intact, and is the same everywhere. Yet, in an international point of view, it is ineffective; and, in the present state of the maritime laws of the world, must remain so. And this is clearly traceable to the operation, in this instance, of the rule laid down by Dr. Lushington and by Lord Stowell, and confirmed by Vice-Chancellor Wood, that 'the power of each country is to legislate for its own subjects all over the world, and as to foreigners within its jurisdiction, but no further.' The defect, then, is one not of intelligence, or of intention, but rather of power. No nation has yet assumed, or, indeed, can, without the assent of the other nation or nations concerned, assume to itself power to legislate for the subjects of another nation, even though, as in this instance, the result of such action would be simply to extend to the subjects of that other the benefit of a law already separately existing, and being enforced (so far as it may be) in each of the countries concerned. But the power thus wanting is at hand. It is to be obtained by mere agreement. Each nation has but to confer it on the rest. And hence—

THE SUGGESTED REMEDY.

That the British Government (having, in its own courts, made manifest the defect, and its world-wide bearing) should propose to the Government of each of the other maritime countries of the world to extend, in our courts, the provisions of our Merchant Shipping Act (as here in question) to the shipping of each of such countries, on condition that the similar or corresponding law in force in each of such countries should, in like manner, be made applicable to British shipping. The French rule of limitation, wherever prevalent, would undoubtedly afford less effective relief to the injured party, and a greater degree of protection to the owner of the vessel in fault, than our own and the American law; and whatever the comparative merits of the two rules, it is manifestly desirable that some effort should be made to assimilate them; but the object in view, in any such assimilation, is so evidently of minor importance, as compared with a general enforcement, within its own jurisdiction, and on behalf of all shipowners, of the law of each country; and the chance of effecting any material alteration of this law on the Continent, by any suggestion of ours, is also so small, that I believe an attempt now to effect

both objects would result only in making both, for the present, impracticable.

The Liverpool Chamber of Commerce, which has done me the honour of requesting me to act as one of its representatives here, is of opinion that our own law should at once be made applicable to foreign shipping, without our requiring any reciprocal action on the part of other Governments. To this, however, it may be objected that the law in question, though avowedly intended to benefit shipowners, has, in fact, in most instances, a double operation: as, while limiting the liability of one shipowner, it also, most commonly, limits the rights of another; and where the party in fault should be British, and the one injured foreign, the proposed extension of our law might be made the basis of a complaint, not in itself without justice, and which was evidently in view of the Vice-Chancellor when he gave judgment in the case of the *Tuscarora*.

The Publication of Preferential Securities: its Necessity for Mercantile Purposes, and its Legality. By MATTHEW JOHNSON, *Secretary of the West Riding Trade Protection Society.*

WITHIN the memory of persons still connected with trade and commerce, it was the practice for the Government of this country, under the sanction of laws deemed at the period to be absolutely necessary, directly to interfere, by the supervision of their officers, in regulating the manufacture, and directing the preparations for the market, of certain kinds of goods produced in the neighbourhood: on the assumption, apparently, that the administration of the day was better acquainted with the wants of purchasers, and the means and capacities of producers, than the parties standing in these relations to each other. Experience, however, ultimately brought home to the conviction of our rulers the important truth that the best assistance they had it in their power to render to merchants and manufacturers in the conduct of their business was to let them alone: and to this non-interference in personal supervision, and being so largely set free from fiscal impositions and the protection of the Legislature, it is undoubtedly owing that the trade of this country has attained its present unparalleled proportions.

It is not denied that, in conducting the every-day concerns of commerce, a certain kind of governmental aid is needful for its protection, and without which it might sometimes become profitless and even ruinous to those engaged in it. But that protection is required against the unprincipled and the dishonest, who seek by subtle and fraudulent means to obtain possession of the property of others; and also against the imbecility of those who, becoming the tools and victims of more powerful, but less honest minds, are made use of to defraud persons whose confidence they are thus induced to betray.

As an llustration of one of the modes by which such needful protection is afforded, it may be stated that there are certain legal instruments used for transferring property from one person to another, which, in consequence of their being equally adapted to serve a dishonest purpose, are required for their validity to be registered. These instruments are warrants of attorney, cognovits, judges' orders, and bills of sale. The principle upon which the Legislature proceeded in framing these several enactments may be inferred from the tenor of the preamble to the Bills of Sale Act, which states, that 'frauds are frequently committed upon creditors by secret bills of sale of personal chattels, whereby persons are enabled to keep up the appearance of being in good circumstances and possessed of property, and the grantees or holders of such bills of sale have the power of taking possession of the property of such persons to the exclusion of the rest of the creditors.' The act then goes on to provide a remedy for these evils by registration at the office of the Court of Queen's Bench, and also makes provision 'that every bill of sale, or copy thereof, filed in the said office, may be searched and viewed by all persons at all reasonable times.' From which it is perfectly clear that the prime object in view in the passing of this act—and it will be found to be equally so in regard to the others referred to—was the protection of creditors from improper and dishonest conduct on the part of debtors.

No great amount of reasoning is necessary to show that to persons extensively engaged in commercial business through various parts of the kingdom, the information contained in these several registries must necessarily be of the most vital importance; and that, without a knowledge of it, their dealings would often partake more of the character of a game at haphazard than of the sober calculations of mercantile transactions. For, whatever caution may be exercised by inquiries into the character and standing of parties with whom merchants may be about to trade, and however good the position of such persons may appear to be; yet if some favoured creditor, a relative or otherwise, should have it in his power under the authority of a bill of sale, or other legal instrument, to take possession at any time of his estate, and appropriate the proceeds to his own benefit, to open an account with an individual so circumstanced would, it must be evident, be extremely unsatisfactory, and fraught more or less with danger. It has been said, indeed, that it was not the intention of the Legislature, in these several enactments, to invite the attention of parties to the registers, except in any special case where it was supposed a debtor had been improperly conveying his property away. To this it may be sufficient to reply, that no evidence exists either in the acts referred to, or in any other quarter, that so restricted a use of them was ever contemplated; and that, inasmuch as the measures were confessedly adopted for the benefit of creditors, it is much more consonant with reason to assume that to creditors alone was left, subject to the conditions laid down, the determination of the precise mode in which the registers should be made available.

As then it is evident that a correct and early knowledge of the fact

of persons in business giving preferential securities, is indispensable to a safe and satisfactory conduct of the immense wholesale transactions carried on in this country, the question naturally arises as to the precise mode in which such information can best be obtained. It may be needful to state, that probably upwards of 10,000 firms require to be furnished once or twice a week with intelligence of this nature; and as some persons have contended that every one to whom it is essential ought himself, or by his own agent, personally to search the register, it will need no argument, it is apprehended, beyond the simple announcement of these numbers, to show the utter impossibility of such an arrangement being carried into effect. It is known that the office where the registration is carried on is open only about five hours per day, during which the clerks have the entries to make. Twenty persons each day would therefore be a large number to make the necessary searches and extracts, and much greater than could accomplish it; being about one out of every five hundred who would need the information. And then the cost of such a mode, were it practicable, could hardly be estimated to each firm at a less sum than 10*l.* per annum; an amount which would effectually prevent a great proportion of traders from availing themselves of such a system.

It is perfectly clear, then, from these considerations, that the principle, carried out in every-day life, of a number of persons associating together to promote an object in which they have a common interest, but which they are individually unable to effect, is the only feasible mode by which the trading community have it in their power to realize the advantages of these registrations. Acting upon such views, persons engaged in commerce have become associated together in trade-protection societies, and through their medium have for some years past obtained at a very moderate cost, weekly, and now oftener, the contents of these records of preferential securities; the mode adopted being that of the society's agent collecting the names at the Queen's Bench office, printing them in an easily accessible form, and forwarding a copy to each subscriber. We are aware that it has been urged by some persons, who admit the right of men of business to obtain this information, that the printing and distribution of these lists is opposed to the spirit and intention of the enactments; and they contend that if a copy were kept at the office of each trade-protection society, the parties interested might individually, or by their clerks, inspect it, and by that means prevent the necessity of a wider and more objectionable mode of publication. Now this kind of argument would really seem to be an objection without any sufficient reason, for, if it be conceded that traders ought to be furnished with the *information*—which is the very essence of the question at issue—the precise mode in which it is presented to them can only be a very secondary consideration. But the objections which have been urged against the adoption of a system of examination of the registers in London, on the ground of the want of time and opportunity, although not applicable in their extent to the plan now suggested, are sufficiently so to justify the assertion that it is impracticable, and would be in-

capable of being carried into effect. Societies supplying several hundreds of such copies twice, or even once a week, would find it impossible to furnish opportunity to their subscribers for such an examination; to say nothing of the labour and serious loss of time necessarily involved in this arrangement, to the members themselves. Indeed, it is highly probable that, if the obtaining of this information on the part of merchants and traders generally, depended upon stated visits by themselves or clerks to some place appropriated to the purpose, the pressure and interruptions of business would so much interfere with the systematic working of the measure, as to render it of comparatively little value; and that the parties would far too frequently for their interests, find their oversight, or neglect, involving them in serious losses. No plan would be likely to act so well as that of placing, at stated periods, the information required under the immediate notice of the parties interested, by which means all risk of failure would be sufficiently guarded against, and the advantages of registration fully secured. And, besides the considerations against a central inspection already adduced, there is the important fact that a large number of manufacturers and traders who cannot dispense with the information contained in the lists, carry on their business at considerable distances from any trade-protection society, and would in consequence be altogether excluded from the protection which the Legislature has in this case provided for them by the adoption of any other mode than that of printing and periodical issue.

In the consideration of a question of so much importance to mercantile interests as the present, it must not be concealed that the legality of printing and publishing these documents has not only been doubted, but in quarters where correct information might reasonably have been looked for, has been absolutely denied. It is, perhaps, not too much to say, however, that if this had really been the case, and it had been known that the societies in publishing lists of preferential securities were violating a law, the Government would long ago have felt it a duty to put a stop to their circulation, or, at all events, to have thrown difficulties in the way of obtaining the names at the Queen's Bench office. No such course has, however, been pursued by them; but, on the contrary, they have received the fees, and, as in duty bound, in the performance of a legal obligation, have rendered every facility for carrying the arrangements of the societies upon the subject into effect. But it is submitted that sufficient evidence exists that the opinion entertained by the authorities of the perfect right of publication is by no means of a doubtful character, as the following statement will sufficiently show:—Soon after the establishment of a central registration of County Court judgments from 10*l.* upwards in London, a communication—under the authority of the Lords of the Treasury—was made from that office to trade-protection societies in England, offering them considerable inducements, in a reduction of fees, to obtain copies of those judgments with a view to their publication, as the communication distinctly stated, 'for the protection of trade.' And in an interview which the writer of this paper had with

the registrar of that office, at the time referred to, that gentleman at once suggested the expediency of those judgments being published with the lists of preferential securities. It is evident, therefore, from these considerations, that the Government were all along cognizant of what was doing to furnish the commercial world with the contents of the several registers, and were satisfied that such a proceeding was entirely within the law.

It does happen, however, most fortunately for all parties interested, that we are not left in the uncertainty which might be supposed to arise from any particular course of conduct pursued by governmental authorities in the matter, as to what is really the law on this question. The subject has been fully investigated in the superior courts, and on an appeal to the highest judicial authority in these realms, the House of Lords has affirmed the perfect legality of publishing the entire contents of every such public register, for the benefit of those whom it may concern.

The case in which this highly important decision was given will be found in Clark and Finelly's *Reports of the House of Lords' Cases*, February, 1848, vol. i. p. 363—Fleming *v.* Newton: being an appeal from a decision of the Court of Session in Scotland. It was stated by counsel, that the appellants were the directors of the Scottish Mercantile Society, which had been formed by merchants and traders for the purpose, as the rules declared, of obtaining information for the exclusive use of the members, relating to the mercantile credit of the trading community, with the view of diminishing the hazards to which mercantile men are exposed. Among the publications issued by the society was a copy of the records of dishonoured bills in Scotland; and it appears that the respondent, having had two bills protested for non-payment, and assuming the appellants would, in copying the register, publish the protests, applied to the Court of Session for an interim interdict to prevent their publication. That interdict was granted by the Lord Ordinary, who directed the case to be reported for the opinion of the other judges, a majority of whom confirmed it. An appeal was in due course made against the decree, to the House of Lords; and after the case had been argued by counsel, Lord Chancellor Cottenham, in summing up, said:—'It appears to me clear that the Legislature has thought that the public at large ought to be able to have recourse to this register, and of all the public the appellants have the highest interests in the knowledge of its contents. They are engaged in mercantile affairs, in which their security and success must greatly depend upon a knowledge of the pecuniary transactions and credit of others. That each of them might go or send to the office and search the register is not disputed, and that they might communicate to each other what they had found there is equally certain. What they have done is only doing this by a common agent, and giving the information by means of printing. No doubt, if the matter be a libel, this is a publication of it; but the transaction disproves any malice, and shows a legitimate object for the act done.

Under his Lordship's advice the decision of the Court of Session in the case was reversed, with costs.

It is only needful to remark, in conclusion, how striking is the analogy which exists in the more important circumstances of this case with those connected with the publication by trade-protection societies in England, of lists of preferential securities, the registers of which are, it is admitted, equally accessible with the Scottish register. The parties who issue the documents are, in both instances, mercantile men, and the object sought in each case is simply to diminish the hazards to which they are exposed in their daily transactions. In reference to preferential securities, therefore, as well as Scotch protested bills, it is clear that the Legislature, to borrow the language of Lord Cottenham, 'has thought that the public at large ought to be able to have recourse to them;' and it may consequently without hesition be affirmed that, in printing and circulating among themselves the contents of those registers, the trading community are only doing an act necessary to the preservation of their own interests, and which at the same time is beyond all question perfectly legal.

The Fraudulent Imitation of Trade Marks. By Arthur Ryland.

The fraudulent imitation of trade marks having during the past year engaged the attention of some of the Chambers of Commerce, and there being indications that it may become the subject both of legislative enactment and of international conventions, it appears to me a not inappropriate question for the consideration of this department.

Although I cannot pretend to any novelty of view, yet I am not without the hope that the few remarks which I shall now submit to you may elicit a discussion which may lead the Chambers of Commerce, who are well represented here, and upon whom the future dealing with the question will mainly depend, to a fuller knowledge and sounder views than they might otherwise possess.

The evil complained of, and for checking which it is thought that some improved or additional remedy is required, consists in the counterfeiting of names, marks, or labels upon goods, for the purpose of selling them under the false pretence that they were made by the persons whose names or marks are so counterfeited. The names counterfeited are, of course, those of celebrated houses, in whom the public have the greatest confidence.

This disgraceful practice, which is a species of forgery—for I can see no difference in a moral point of view between the writing of another's name to a bill of exchange and obtaining money for it, and the stamping his name on goods and selling them on the faith that he made them—this practice of wholesale cheating, has reached a frightful extent. There is not a maker of any celebrity whose name is not counterfeited. And there is not a nation where manufactories exist, where

the unrighteous practice is not rife. England produces American edge-tools and American shirtings, Farina's eau-de-Cologne, and French ribbons and silks; whilst America, France, Russia, Prussia, and Belgium all produce Sheffield blades, Birmingham guns, and Redditch needles. To such an extent is it carried, that in some countries engravers and printers show to merchants and manfacturers as patterns, fac-simile copies of the labels of celebrated producers of other countries; and manufacturers in Prussia, in showing patterns, will offer to attach any English names to their goods that may be desired.

It follows from this condition of things, that each one of these great manufacturing nations is interested in the provisions made by the laws of the others for protecting the public against this system of swindling, and for affording redress to the parties whose names are counterfeited.

And it is not unreasonable to expect that the movement which has been originated by the Chambers of Commerce, if it be conducted with intelligence and earnestness, may lead not only to an amendment of our own law, but also to greater facilities than now exist for the merchants and manufacturers of each of those states to obtain redress for offences committed in the others, and may ultimately result in the adoption of international laws on this subject of common interest.

It behoves the Chambers to proceed with great consideration. It is essential to success, that they should agree upon the end to be attained, and upon the course to be taken to attain it. It would be unwise for one Chamber to be asking Government simply for a convention with France, another for a Court of Registration for Marks in England, and another for a law making it a misdemeanor or felony to counterfeit trade marks. Before any further application be made to Government, would it not be wise to decide whether all, or which, of these objects shall be pursued, and in what order? Would it not be wise first to decide whether any, and what, amendments of the English law are necessary; or, if none necessary, whether it is expedient to have a declaratory act stating what our unwritten law is? At present we have not any statute on the subject of trade marks; and although the remedies for the parties aggrieved are well defined by the decided cases, yet there may be room for doubt whether or not the offence is indictable as a misdemeanor at common law. And it may be thought more satisfactory, both to the British minister who has to negotiate a convention with a foreign state, and also to the minister of that state, to be able to refer to a simple, explicit, and complete statement of our laws, as contained in an Act of Parliament, rather than to a library of law reports; although certainly, without any new law, it may be shown that foreigners have a remedy in England—for France could be referred to the case of Delondre v. Shaw in which a French chemist was the plaintiff; Prussia to Farina v. Silverlock, where a Prussian was the plaintiff; and America to the Collins' Company's cases, in which the plaintiff was an American.

The obtaining of an Act of Parliament (either simply declaratory of our present law, or containing, together with that, additional provisions) being decided, the next point would be, with what countries are conventions necessary, and for what end?

A comparison of the laws of the manufacturing states appears to be the first step towards arriving at a sound judgment, in reference both to the amendment of our own law, and to the terms and character of the treaties or conventions to be sought with other nations.

All countries interested in the question agree in condemning as illegal the counterfeiting of trade marks, but they differ in the modes to be adopted for repressing the deceit, or granting redress to parties whose names or marks are counterfeited. In England, it is regarded simply as a civil injury, and not as a crime. This is the generally received opinion, but I venture to doubt whether it is not indictable at common law. The parties whose names are counterfeited may recover damages in an action at law in reference to the past injury, and may prevent the continuance of the injury for the future by an injunction. The English courts are freely open to foreigners whose trade marks are invaded in this country.

In most, if not all, other trading countries, the offender may not only be compelled to make compensation to the injured party, but he is also liable to fine and imprisonment. In the United States of North America, the courts are freely open to foreigners, but the courts of all the other foreign states are closed against foreigners except on certain conditions. It is the difficulty of access to the foreign courts which has attracted the attention, and evoked the complaint, of the Chambers of Commerce; they have memorialized the Board of Trade, and the Foreign Secretary, praying for their interference to bring about a better state of things in this respect. As I have already observed, there is good ground for this complaint in respect to some countries, but I think the difficulties have been exaggerated.

I have seen it stated in an essay on this subject by a gentleman connected with these bodies, that, although in Prussia the law is 'sufficiently explicit as to the prohibition of using the name or mark of another, or putting in circulation such marks with intent to deceive, yet the courts are not ready to grant the same protection to foreign subjects; and whilst we allow a Prussian subject to sue in the British courts for an invasion of his rights, the British subject would not be heard in theirs against the invasion of his right.'

This, I believe, is not a correct statement of the case as regards the Prussian courts. It is, of course, very important to be strictly correct in our information on a subject in which we propose to obtain any movement by the Government, and it is especially so in regard to Prussia, because it is the greatest manufacturing nation on the Continent; and consequently, in that country, English trade marks are most extensively counterfeited.

The Chamber of Commerce with which I am connected obtained from a practising lawyer in Berlin, M. Lewald, an opinion on

this subject. He concludes a very elaborate statement of the law thus: 'If in England there is protection for a Prussian manufacturer whose name or mark has been fraudulently made use of, then an English manufacturer has a right to obtain, and will obtain, the same protection in Prussia. Besides the penalties and imprisonment to which reference has been made, at the beginning of this opinion, any labels or wrappers illegally in use or ready for use, are liable to confiscation, and the guilty party is further liable to a civil action for the recovery of damages, if such be proved against him.'

It may be interesting, and in reference to the amendment of our own law, useful, if I briefly notice some of the provisions of the Prussian law. The ordinance of 14th April, 1851, runs thus:—

'Whoever shall fraudulently mark merchandises or their wrappers with the name or the firm, and with the dwelling or manufacturing place of a Prussian manufacturer, producer, or tradesman, or knowingly sell such fraudulently-marked merchandise, shall be fined from 50 to 1000 dollars; and in case of repetition shall, in addition to such fine, be imprisoned for a term not exceeding six months.

'The same fine will be inflicted when an act of falsification is committed against the subject of a foreign state in which reciprocity in the matter exists, and such reciprocity appears to be guaranteed by published treaties or laws.'

The Royal Superior Tribunal (the highest court of Prussia) has decided upon the foregoing law, that the word 'published' applies to treaties, and not to laws, and that which has the force of law in a foreign country according to the constitution of that country, will be deemed to be a law, although not called so there; this was in a case mentioned by M. Lewald, where the subject of a foreign state sued a Prussian subject for the improper use of a trade mark on Seltzer-water bottles, and obtained a conviction. The condition thus laid down could certainly be complied with by British subjects. The proof required that Prussians can sue in English courts exists in Prussia itself; for in the reported case of Farina *v.* Silverlock, 24 *Law Journal*, Ch. 232, decided by the learned president of this department, the plaintiff was a Prussian carrying on trade at Cologne, and obtained an injunction against an English printer who had printed labels bearing the plaintiff's name, seal, and marks, for pasting on bottles of eau-de-Cologne: and it appears, from the report, that the Prussian tradesman had previously obtained six decisions in his favour in the English courts.

The ordinance of 1851 applies to the whole of Prussia and to all kinds of merchandise.

In the provinces of *Rhenish-Prussia* and *Westphalia* there are two other ordinances of 18th August, 1847, and 24th April, 1854. These relate to trade marks on iron and steel goods, and refined steel, and also to names and letters on similar articles in use before 18th August, 1854. But words denoting the quality of the goods, names of places, and names of foreign manufactures, are expressly excluded from the privileges of the ordinances.

It is necessary, in order to secure the exclusive title to a trade mark in these provinces, to register it with the 'Trades or Manufactory Justice,' who, after public notice of the application, and being satisfied that it is distinct from all other registered marks, and that it does not transgress any of the regulations of the ordinance, enters it on the roll of designs, and grants a certificate to the applicant. If there be any opposition to the claim, the justice decides the matter. The expense of registration, exclusive of the costs of opposition and advertisements, is limited to five dollars. The register or roll of designs may be searched without charge.

No mark can be transferred except to the actual proprietors of the manufacturing business in connexion with which it was granted.

The right to the mark ceases if the trade is discontinued, or may be cancelled, on demand of proprietor.

These regulations apply only to marks, and it is expressly declared that the ordinances are not to prevent any one from using 'his own name, or the name of his firm, or a name-cypher,' upon iron and steel wares.

In reference to Belgium, I find it stated in the same essay to which I have already referred, that in Belgium trade marks are protected by the courts, though there is no positive law on the subject; but I find this is not so. The laws of Belgium prohibit the imitation of marks or labels used by manufacturers, provided they have been deposited at the Tribunal of Commerce of their respective localities; and offenders are liable to imprisonment, and may be sued for damages. Foreigners possessing a manufactory in Belgium are placed on the same footing as natives; but a mere shop or warehouse will not entitle a foreigner to the privilege of sueing offenders. This was decided in a case three years ago where the plaintiff, a Frenchman, sued a Belgian. The plaintiff made goods in France and had a shop in Brussels; he had deposited a copy of his mark with the tribunal, but he failed because he had not a factory in Belgium.*

In Russia the counterfeiting of trade marks is prohibited; there is a registry of marks, and the counterfeiting of registered marks is punishable by exile to Siberia. The Treaty of Commerce and Navigation between England and Russia contains the following important clause (xx.): 'The high contracting parties being desirous to secure, each within its own dominions, complete and effectual protection against fraud for the manufactures of the other, have agreed that any piracy or fraudulent imitation in one of the two countries of the manufacturers' or tradesmen's marks originally fixed *bonâ fide* on goods produced in the other, in attestation of their origin and quality, shall be strictly prohibited and repressed. Her Britannic Majesty engages to recommend to her Parliament to adopt such measures as may be required to enable her to give the more complete execution to the stipulations of this article.'

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* My authority for this statement is an eminent advocate of Brussels.

I have not been able to find any statute upon the subject of this treaty.

In France, the law of the 23rd of June, 1857, contains very explicit and intelligible provisions for the registry of trade marks, for the protection of the proprietors, the rights of foreigners, and for the punishment of offenders. The registration is with the Tribunals of Commerce. The exclusive enjoyment of a mark is limited to fifteen years, but it is renewable. Foreigners having factories or warehouses in France are entitled to the same privilege in respect to the productions of those establishments. Foreigners whose establishments are not in France may have the benefit of the law, if in the country where they are situated diplomatic conventions have established a reciprocal protection for French marks.

The punishment attached to offences against this law is fine and imprisonment. Power is given for the seizure and confiscation of goods bearing counterfeit marks, and the Court may order such goods to be delivered to the party whose mark has been counterfeited, and this independently of such damages as he may recover. I am informed that the usual mode of commencing proceedings under this law is to seize the goods and have them brought before the Tribunal of Commerce.

All foreign goods bearing the name of a manufacturer resident in France may be seized.

In the State of New York the same remedies for piracy of trade marks exist as in England, and in addition to these, the Statute of 1850 (chap. 123, s. 1), makes it a crime punishable by imprisonment. There is not any registry of marks in this State.*

In the 140th chapter of the *Code for the State of Iowa*, a few words well express their law: 'If any person counterfeit any mark, stamp, or brand of another, or falsely mark any cask, package, box, or bale, as to quality or quantity, with intent to defraud, he shall be punished by fine not exceeding 200 dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.'

A consideration of the laws of foreign manufacturing states will probably lead to the conclusion, that ours are deficient in not treating the offence as a crime, as well as a civil injury; in the absence of provisions for seizing goods bearing counterfeit marks; in not requiring a registry, and in not prohibiting the exclusive title to names which are merely descriptive of the quality of goods, or the place of manufacture. And I think it will be obvious that, before we can hope to obtain any international treaties on the subject, we must show to the nations with whom we desire to make them, that our laws are not deficient in the particulars to which they attach importance.

In reference to the establishing a Registry of Trade Marks, the subject has been broached, but without reference to its bearing upon inter-

* This statement may also be made in respect to the State of Pennsylvania.

national conventions, and has been brought under the notice of some of the Chambers of Commerce in the shape of a bill proposed to be introduced into Parliament, and which, I believe, has received the approval of some eminent members of both Houses. Its title is, 'A Bill to secure the Public against Fraud, and to protect Skill and Industry by establishing a legalized System of Trade Marks to be called "Recorded Marks," to be used by Artists, Manufacturers, and others in the United Kingdom and its Dependencies.'

It proposes to establish a court of marks, with power to make grants for twenty years of the exclusive title to a mark to be registered in the court. The grantee of a mark, and he alone, may affix the mark (I quote the words of the Bill) 'on any personal estate, goods, or chattels which he may use, possess, or offer for sale, or on any sign or shop front for the period prescribed.' Other persons using a recorded mark during the prescribed period may be restrained from using it under pain of pecuniary fine and imprisonment; and all goods or other property bearing a pirated mark may be seized and the mark obliterated, and afterwards sold for payment of costs and fines. The recorded trade marks are to be used in conjunction with the letters R.C.M., and the counterfeiting of these letters is made a felony.

This scheme appears to me open to some objection; it is wanting in simplicity, it does not confine itself to goods offered for sale, and it leaves untouched the fraudulent use of names, which is the great evil complained of.

The Prussian system would be found more simple, less expensive, and better adapted in many respects to the object in view. It has been suggested, and, as it appears to me, with good reason, that the Chambers of Commerce might be made instrumental in the work. There are chambers in all our chief provincial towns; or if there be any such without one, so soon as important work were assigned to such a body, one would at once be founded. The secretary of the chamber might be the registrar of trade marks; he would receive from applicants three copies of any proposed trade mark, give public notice of the claims in the newspapers, and receive caveats; disputed claims might be settled by the council of the chamber, with an appeal to the County Court judge; the claim allowed, the secretary might enter it on the roll, and return one of the three marks with a certificate of enrolment to the claimant, and send one of the other of the three marks to the Registrar of Copyright of Designs, or the Registrar of Joint Stock Companies in London, who would keep a central registry of marks. The provincial and the metropolitan registers should be accessible at a low charge.

Whoever may undertake the preparation of a scheme for the registration of marks, will do well to acquaint himself with the registry of marks conducted by the Cutlers Company at Sheffield, and with that kept at the Assay Offices of the Gold and Silversmiths' Marks. And I must here notice the 59th Geo. III. c. 7, an 'Act to regulate the Cutlery Trade in England,' in which the mark of a

'hammer' is established as descriptive of a certain class of cutlery, and its use on other kinds is forbidden under penalty of forfeiture and pecuniary fines. It also prohibits the use of the word London on all cutlery not made in or within twenty miles of London, under a penalty of 10*l.*, and the use of any words indicating cutlery to be of a quality other than it truly is, under a penalty of 5*l.*

In reference to the suggestion that the fraudulent imitation of trade marks should be punished as a crime. It was ably advocated by Professor Levi, in a very interesting paper read by him to the Society of Arts of London on the 16th of March last; it is a question which has been agitated from time to time in reference not only to our present subject, but to other commercial frauds, which our law regards only as private wrongs, but which really partake of the character of public offences in the extent of the injuries they produce, and in their debasing effect upon commercial morals. It now comes recommended to us by the high authority of one of the most distinguished lawyers and statesmen of the present day, Sir Richard Bethell. At the close of Mr. Levi's paper, he observed (I quote from the Journal of the Society of Arts):—

'As I collect from Mr. Leone Levi's statement, one very important topic is, the question whether frauds of this description ought to be made the subject of criminal enactment. Now, a fraud of this kind is in reality the theft of a man's reputation. The thief obtains at once the fruits probably of a life of labour, invention, and industry; and one particular reason why I think it should be made the subject of criminal enactment is this, that it is utterly impossible in by far the greater number of cases to obtain anything like an effectual remedy by civil proceeding, whether that proceeding be of a preventive character, in the shape of an injunction to restrain the injury, or whether in the shape of an ordinary action-at-law to obtain damages for the injuries committed. I say effectual, because it constantly happens that a particular market is forestalled by a thief, who floods the market with a great quantity of these pirated articles, which are received and taken into stock by the traders in distant countries; and the consequence is, the real owner of the article so pirated has no opportunity, at all events for that season, of obtaining a reception of his own goods into the market. The evil is effected by persons who are out of the immediate reach of the law at the particular time when the mischief is committed, and who escape the consequences, therefore, of any civil proceedings; sometimes because they are scarcely worth the expense of such proceedings. But those individuals would be much deterred if the act were made the subject of criminal law; and not only is the reason I have mentioned a valid one, as I submit, for such a change; but there is another circumstance which renders thefts of this description more particularly deserving of being brought under criminal enactment; that is, that the act alone not only perpetrates a felony with a fraudulent intention upon the property of another, but is accompanied with fraud and imposition upon the public at large—each man who buys is defrauded. It is not

merely that my property is invaded, but the whole public are injured by the imposition.'

The clear and forcible observations of Sir Richard Bethell will, I trust, engage the attention of the Chambers of Commerce, and induce them to urge the principle advocated by him upon Government and Parliament; for, although there may be fair ground for doubting whether without any statutory enactment the offence is not indictable, yet it would be wiser to leave no room for doubt, to define the offence, and to affix such a punishment as, whilst it is adequate, shall not by its over-severity deter the public from putting it in force.

I would observe in conclusion, that the subject of trade marks is important not only to merchants and traders, but to the public. The cases which have come before our courts abundantly prove this, for there we see that frauds have been committed on the British public by selling under false pretences goods which are in common use, such as eau-de-Cologne and medicines, fish-sauce and blacking, shot-belts and razor-strops, pins, needles and thread. It has yet a higher phase, which ought to command for it especial attention from members of this Association. I refer to the necessity for raising the standard of commercial morality in respect to the practice observed upon in this paper. If it shall receive the emphatic condemnation of Parliament by being placed amongst indictable offences, side by side with forgery, theft, and swindling, it will be regarded no longer as a smartness, as a justifiable trick of trade, but as a low and despicable vice. And I trust it may be followed into the same low category by other trade frauds now too common, and which, because they are condonable by money payments, are not regarded in their true light as crimes. To aid in thus promoting a higher state of morals in matters of trade is surely a not unworthy object of this Association.

On the Protection of Property in Intellectual Labour as embodied in Inventions, Books, Designs, and Pictures, by the Amendment of the Laws of Patent-right and Copyright. By THOMAS WEBSTER, M.A., F.R.S., *Barrister-at-Law.*

AT the recent meeting of the British Association at Aberdeen (September, 1859), the inadequacy of the laws for protecting property in inventions, the temptation and encouragement consequently afforded to piracy and speculative attempts, and the necessity of more stringent or summary proceedings for the suppression, checking, and control of such practices was strongly insisted on by inventors and others conversant with the operation and working of the patent system. The consequences of such a state of things were represented to be equally injurious to the inventor and the public; and the meeting, on the suggestion of the Right Honourable Joseph Napier, unanimously recommended the subject to the attention of this Association, in the

hope that some remedy may be devised for grievances so great as in many cases to amount to a practical denial of justice.

This is no new complaint: on almost every occasion within my experience, during the last twenty years, in which the patent system has been under discussion, either orally or by writing, the delay, expenses, and uncertainty of the result have been dwelt upon as one of the grievances for which some remedy should be applied or attempted.

The remedy for this grievance was the subject of much consideration by the promoters of the reform which resulted in 'The Patent Law Amendment Act, 1852;' but it was thought advisable to limit that attempt to the reform of the system of creating such rights, leaving to a future occasion the reform in the protection of the property so created. The British Association have appointed several Committees, and from time to time have pressed the subject on the attention of the Commissioners of Patents; and it will be a gratifying circumstance should this Association be instrumental in placing this crowning stone to those reforms which its noble founder commenced by the Act of 1835, the first legislation in modern times in favour of inventors.

The delay and expense of litigation involving contested questions of title, or of legal right, must generally be great; but there are difficulties incident and peculiar to property in intellectual labour as embodied in inventions, books, or pictures well deserving serious consideration, while the nature of the property and its fleeting duration aggravate the evil. These incorporeal rights have so many features in common, that, although the discussion out of which this communication arose had, and this paper will principally have, reference to property in inventions or to patent-right, the consideration of the one will, I think, tend to the elucidation of others in reference to the question of an improved mode of protecting, or of the reform and amendment of our judicial proceedings in relation to such rights.

On the present occasion I do not propose to dwell on the principles of such property, or upon what has been termed the natural right of each man to the products of his own brain when embodied in a visible or tangible form; nor on the general policy of recognising such property, which has been termed the social question. I propose assuming the existence of property in such subjects, and to offer some suggestions on the protection to be afforded, without which the very name of property is an empty sound.

Appropriation of the labours of others, whether intellectual or physical, will be the subject of civil or penal proceedings so long as property exists and human nature continues the same; to legislate according to the nature of the special subject, to protect property, and prevent such appropriations, is the object of municipal laws and regulations.

But it must not be forgotten that, in respect of this description of property more than any other, the rights of the public, as contrasted with those of the proprietor, differ in such a manner from the relative

rights as existing in respect of other property, that the difference is one in kind rather than in degree; each has his rights, and one main difficulty of this subject is the adjustment of those relative rights; a difficulty considerably enhanced by the extreme views advanced in exaltation or derogation of such rights according to the position of the respective parties. Another difficulty, almost peculiar to these questions, is that of identification. The incorporeal or immaterial element, so to speak, of the manufacture, the book, or the picture, has to be identified under a different form of corporeal or material element in settling the question of difference from two others, that is to say, from something which has preceded, or from something which has succeeded. The substantial similarity or dissimilarity of the three subjects, by reason of supposed embodiment of one and the same incorporeal element, gives rise to a conflict of opinions, which has been thought somewhat inconsistent with the independence of character of the exponents of the two opinions, and little creditable to the cause of truth; it gives some colour to a charge sometimes made against scientific or professional witnesses as a class whose business it is to act as the advocate, rather than the exponent of some special fact or truth; and zealous men, anxious for the cause of science and truth, have from time to time suggested expedients to obviate the apparent anomaly. In considering this question the differences in the constitution of the human mind must not be lost sight of, one mind addressing itself to similarities and another to dissimilarities; and in proportion as the one or the other is magnified, does the similarity or dissimilarity of the several subject matters become apparent, and lead to a great conflict, not on matters of fact, but on matters of opinion. And it must not be forgotten to what extent, and in how great a degree, the system is not only provocative, but generative, of this very conflict. The witness who has given honest, independent, and straightforward evidence on matters of opinion, is met by, it may be, equally honest, straightforward evidence also on matters of opinion, the facts themselves not being always identical, or correctly put before the witnesses, as in the remarkable case of the fire from over-heated oil in the sugar-refining (Severn *v.* King or Olive). It would be unreasonable to suppose that, in the long course of preparation for the trial, the mind of each witness has not received a bias, in proportion as the witness believes himself to be speaking the truth.

Mr. Spence observes:—'The strength of partisanship displayed on these occasions is notorious, and the result such as might be expected. The pressure on the mind of a scientific witness, caused by the desire to reconcile this feeling of partisanship with his professional character, is frequently so strong as to lead to an amount of refinement of scientific accidents, that entirely obscures the essential merits of the case. Few, if any, of such witnesses are capable of entirely withstanding the force of the warping circumstances belonging to the position in which they find themselves. What has been said conveys no imputation upon individuals: they merely give way from ordinary human

infirmity, which will only bear a limited amount of pressure on their natural powers, when the limit of their capabilities has been passed. Notwithstanding, therefore, the occasional light that is thrown upon a scientific point of importance by the contest of scientific witnesses, I think the inherent evils of the system are such as greatly to outweigh its advantages.'

In the emergency of the extreme difficulty of these cases recourse is had to the assistance of a jury, the so-called constitutional tribunal, for cutting in disguise the Gordian knot.

Far be it from me to disparage the value of trial by jury. I believe it to be a shield against the infirmities of humanity, which in many cases cannot be over-estimated—to be the best tribunal for many cases which the wit of man has devised, and not inapplicable as an auxiliary in some few cases of conflict of testimony or facts of copyright and patent-right; but the present course of proceeding, crowned by the jury trial, I believe to be the main cause of the grievance and well-founded complaints and dissatisfaction in the administration of this department of the law, and that a change in this respect would be the basis of other reforms.

In elucidation of this question it may be expedient to trace the progress of a contested action on copyright or patent-right, many actual cases of which may be cited.

The first step, notwithstanding the extension of jurisdiction recently conferred on the courts of common law, is generally a bill in equity, presenting the view of the case which at the time appears most calculated to answer the object in view.

This application is supported and opposed by affidavits and counter-affidavits of indefinite expansibility. The words of Lord Lyndhurst, when speaking on a recent occasion on the mode of taking evidence in the Court of Chancery,* admirably expose the pernicious consequence of this system :—'The basis of an affidavit is supplied by a scientific witness, then it is drawn by a solicitor and settled by counsel, the result of which elaborate process is naturally a confusion of the scientific facts. It is commonly the case that unpractised witnesses, who may be quite conversant with the manufacture in question, and who give valuable evidence upon it as the basis of the affidavit, are continually induced to accept the *ex parte* version of it, without really understanding the effect of what is ostensibly their own evidence.' The filing of affidavits having ceased, the motion is arrived at, and arguments of greater or less length are heard before a judge, perhaps the most competent from knowledge and position to weigh the similarities and dissimilarities of the conflicting affidavits, settled as explained with all the professional skill, scientific and legal, that money can command; the parties are then handed over to, and have to start afresh before, another tribunal for a trial by jury. This stage passed, the matter is ripe for the opinion of the Court on the points of law reserved at the trial, the result of which is generally (if funds do

* Speech in the House of Lords, Session 1859.

not fail) either a new trial or an appeal to the Exchequer Chamber, thence to the House of Lords, and a return, after some indefinite period, to the same learned judge in Equity with whom the proceedings commenced, and possibly to a rehearsal before the Lords Justices or the Lord Chancellor, as the finale, unless the learned judge in Equity, on the matter being brought before him the second time, should order a new trial.

The even tenor of the progress of this drama may be interrupted by various interlocutory applications, the sources of great delay and expense, to the courts of equity and law, to the judge at chambers, by a commission to examine witnesses abroad, and possibly a *scire facias* to repeal the patent.

Those conversant with the litigation in the cases of the patents of Kay, Walton, Muntz, Heath, Lister, Bovill, Hills, and Betts, will recognise in the above no exaggerated pictures, and counterparts of them may be found in several recent cases of copyright in books and designs. The questions in these cases are substantially two, namely, piracy and title, for the incidental question of the sufficiency of the specification or registration, as unconnected with the above, arising only occasionally and incidentally, may for the present purpose be disregarded.

The proceedings in a patent action may not be inaptly termed 'legal bush-fighting :' the plaintiff is anxious to throw his net as wide as possible, so as to include in its meshes all possible imitations or improvements; and the defendant is on the look-out to take advantage of the too great extension of the net, and entangle its meshes in the fatal toils of prior invention, or to lie by and impeach the validity of the patent by the production of a book, or specification, or instance of prior publication and use.

The Act of 1835, commonly called Lord Brougham's Act, contains the first legislative attempt to prevent the plaintiff being thus tripped up. A defendant is required to give notice of objections intended to be relied on, impeaching the validity of the patent. The usefulness of this measure was much impaired by decisions which introduced an amount of uncertainty and refinement by which the provision was virtually frittered away.

By 'The Patent Law Amendment Act, 1852,' the plaintiff is required to deliver particulars of his breaches, so as to give the defendant specific information as to the part of the invention alleged to have been infringed, or the machine or process complained of, that is, of the act of infringement; and the defendant is required to give information as to the time and place of any instance of prior publication or use alleged to impeach the patent. Each party, therefore, has now the power of obtaining information of the nature of the complaint and of the answer to be made.

Professional ingenuity, however, has contrived to convert this most wholesome enactment into a source of considerable embarrassment and expense, with which the judges have not attempted to deal, although made a matter of grave complaint on the trial of almost every action.

True it is that the plaintiff knows the extent of the matter to be brought against his title, but he knows not which part of it is intended to be used,—he has no means of extracting the wheat from the chaff; on the other hand, the defendant, from not knowing with precision the way in which the infringement will be presented, dare not limit his particulars for fear of being excluded from the very objection which the way in which the plaintiff shapes his case may render essential, and instances are notorious in which some fifty specifications, books, printed documents, and places of user have been inserted in the particulars of objections, whereas at the trial one or two, or a small portion of one or two, only are relied on. The consequence is, that the plaintiff must employ highly-paid professional talent, legal and scientific, to read all this mass, and to investigate as far as possible what part may possibly be so material as to require explanation or an answer. The expense so occasioned in preparing for trial is enormous, but the consequences at the trial are equally serious.

The present Lord Chancellor (Lord Campbell), when Chief Justice, had his attention directed to the subject in many of the patent actions recently tried by that most learned and experienced judge; and in the last or nearly the last case, suggested a course, which was acceded to by the parties, that the specifications relied on should be put in evidence, with so much oral evidence as was necessary on either side to ascertain facts, and that these documents, with his notes and the models, should be brought before the Court on motion, and that the Court should be at liberty to draw such inferences and find such facts as a jury might have drawn or found. Had the trial progressed in the ordinary course, two days at the least would have been uselessly consumed, and the result would have been encumbered with the finding of a jury, the ordinary and attendant uncertainties of which would probably have, as in most similar cases, involved a second and possibly a third jury trial.

In nine cases out of ten there is no question of disputed fact with which the Court cannot deal in a much more satisfactory manner than a jury. The object to be attained is a case for the opinion of the Court upon written documents and machines, with such explanation of the terms of art as the case may require. What is the province of the Court, and what of the jury, as to the interpretation of the terms of art, has furnished some curious discussion and speculation among the learned judges.

The extreme dissatisfaction resulting from this state of things has led to the suggestion of various remedies, amongst which a special court for the trial of patent causes is perhaps the most popular.* Much may be urged both by way of analogy and otherwise in favour of a special court, but much also may be said against the policy of multiplying tribunals for special subjects, unless the existing tribunals are clearly inadequate for the purpose.

* See an able article on this subject in Newton's *London Journal* for February, 1857, and November, 1859.

The decisions of the superior courts when obtained cannot be regarded as presenting more instances of uncertainty in relation to property in intellectual labour than in relation to other property. The true course would appear to be to reform the proceedings, whereby a decision may be attained with less delay and expense: without such reform a special court could not afford the required relief. In considering this subject the two existing tribunals of the Law Officers and of the Commissioners must not be lost sight of. Much that has often been suggested might be effected by making the Commissioners of Patents an efficient, instead of a mere official body, in accordance with the views of the Committee of the House of Lords in 1851 of the authors and promoters of 'The Patent Law Amendment Act, 1852,' as is apparent from the first and other sections and general tenor of the Act, and recommended by the Glasgow Committee of the British Association.*

The articles in the *London Journal* before referred to, after giving expression to the general feeling of dissatisfaction existing as to the present proceedings, suggest the acquiescence of some officer or of the Attorney or Solicitor-General, as preliminary to the prosecution of actions, as in the case of proceedings by *scire facias* to repeal a patent. The present Attorney-General (Sir R. Bethell), has, in several cases, refused his fiat for leave to prosecute proceedings for the repeal of a patent, in cases in which there were grounds for supposing that the application was intended as a means of influencing a compromise, or other illegitimate purpose, as was notoriously the case in several instances, before 'The Patent Law Amendment Act, 1852,' by which it was provided that the defendant in a proceeding by *scire facias* should have the first and last word, so as to support and explain his invention, instead of having it frittered away by the first and last word of an assailant supported by a trade or subscription purse.

What should be the precise details or method of carrying out these and other similar suggestions, is matter well deserving the mature consideration of a committee of this Association, but I will hazard one or two suggestions, in the hope that the subject may be taken up by the Association.

Experience shows that the object to be arrived at in most cases, is a special case founded on facts, about which there can be no dispute, or if any, such only as ought to be disposed of by the Law Officer or a Commissioner of ordinary experience in questions of this nature. The object, in the administration of justice, is first to ascertain the facts, and then to apply the law. A review of nine-tenths of recent patent cases will show that no difficulty exists in ascertaining the facts. The main difficulty being in applying the law on the question of infringement, whether the act of the defendant was an imitation of, and improvement of the invention claimed by the plaintiff, or of some antecedent invention then the property of the public.

* See *Report of Committee of the British Association to Lord Chancellor Cranworth*, signed, Harrowby, Argyll, E. Sabine, Thos. Graham, W. Fairbairn, Thomas Webster, and concurred in by Sir David Brewster.

It may be mentioned, that in no case within my recollection has a jury failed to find a verdict for a plaintiff on the simple question of infringement; a remarkable fact, which ought never to be forgotten in considering the working of the jury system, in connexion with this class of cases.

Another subject of importance adverted to in a communication to the Liverpool meeting of the National Association, and printed in the volume of its proceedings,* is a compulsory power of obtaining licenses under patents. The annals of invention show that most inventions have been the subject of patents; most recent inventions are improvements on some prior invention, and most frequently on an existing patent. Such patent may be used for the purpose of obstruction, and experience shows this to be a real grievance, for which the application of some remedy analogous to that of compulsory purchase under the Lands Clauses Consolidation Act should be applied. The learned and experienced Mr. Commissioner Hill called attention to this subject in his evidence before the Committee of the House of Lords in 1851, and it would appear a proper subject to be dealt with by arbitration under the control of the Commissioners.

The multiplication of patents under the present system, as adverted to in the Report of the Committee of the British Association to the meeting at Aberdeen, is one great source of litigation, encouraging speculative actions and introducing a species of uncertainty to an extent which can hardly be believed by persons not conversant with the operation of the system.

The rendering the Commissioners of Patents an efficient body, would afford the means of checking the present unreasonable multiplication of legal rights, and of producing some consistency in the granting of patents, and in the practice as to disclaimers, and memoranda of alterations, with other advantages, which have been repeatedly suggested by persons conversant with the subject. The co-operation of a Committee of this Association with the Committee of the British Association, would afford the means of considering in detail, how a result so earnestly desired and so consistent with natural justice and good policy, as protection to property in the products of intellectual labour, can be best obtained.

The Copyright of Designs, as applicable to Articles of Textile Manufacture. By J. T. Clay.

A large portion of the textile manufactures of the West Riding of Yorkshire is of the description usually denominated "fancy goods." This more especially applies to the articles made in the districts of Bradford, Halifax, and Huddersfield; and the briskness of trade in those localities is frequently influenced by the successful introduction of some novelty either in pattern or texture.

* See Communication by R. A. Macfie, p. 147.

These novelties sometimes become articles of staple manufacture, as, for instance, the Orleans and other cotton-warp goods, and alpacas of Bradford; the doeskins, merinos, and Cashmorettes of Huddersfield. All of which have been introduced within my memory, and now give employment to many thousands of operatives.

It is therefore obvious that any arrangement by which the inventive powers of manufacturers can be stimulated is not only advantageous to the individuals who originate the ideas, but also to the great body of the manufacturing community. It is, however, to be regretted that generally the exertions of inventors are not adequately remunerated, and every one who has directed his attention to the production of novelties must have been frequently annoyed at seeing the fruits of his labours enjoyed by others, who have reaped the benefits to which he was fairly entitled. Much difference of opinion has been expressed as to the propriety of granting a copyright for new designs; some objecting to it as an interference with the proper freedom of trade, while others support it as the only means of protecting inventors from unjust piracy.

The Legislature has settled this question by passing an act for the registration of designs, affording protection for limited periods. It is the object of this paper very briefly to enter into the consideration of this enactment, which appears to me to be deficient in some important points. In the first place I propose to state what I consider to be the essentials of a good copyright law, and then to inquire how far the present regulations coincide therewith.

These are:—

1st. That the expense of registration should be small.

2nd. That the protection should be for a short period of time.

3rd. That the litigation consequent upon any infringement should involve neither much time nor expense.

4th. That the registration be attended with publicity.

As regards the two first points it is not needful to offer much remark, as the provisions of the present law adopt the principles just laid down. The fees payable on registration are very moderate, and the periods of time, perhaps, as fair as any that could be proposed. These periods vary according to the nature of the fabric. But as regards the 3rd and 4th heads, I consider the provisions of the act to be highly objectionable, and particularly as to the 3rd head. Two modes of proceeding in cases of piracy are laid down by the Act,—viz.:

By summary process before a magistrate, who is authorized to inflict a fine upon the offender, but as this mode of procedure has not been found to work well, recourse is generally had to the alternative, which leaves the aggrieved party to proceed by injunction and action at law as in cases of patent right. This litigation may be so tedious and expensive as to become oppressive or even ruinous to the small capitalist.

I might mention two cases which have attracted much attention in the neighbourhood of Huddersfield, but a brief outline of the law proceedings in one of them will suffice to prove that a change is abso-

lutely necessary. In the following detail I request particular attention to dates.

In March, 1857, a certain design was registered for protection during twelve months. In July the party registering received information that another manufacturer was making the same pattern. He immediately applied to the Master of the Rolls for an injunction to restrain the defendant from making the same. The defendant put in affidavits in reply, and the injunction was refused, the plaintiff being directed to prove his rights at common law. In December the cause was tried in the Court of Exchequer before a special jury; the defendant's counsel arguing that the design was not new and original, and not entitled to protection, a verdict was given, subject to the opinion of the Court on the point of law. In June, 1858, three months after the expiration of the copyright, the point was argued before the Chief Baron of the Exchequer and three judges, who decided that the pattern was not new and original, but merely an alteration of an old design; and judgment was thereupon given for the defendant.

The plaintiff is not satisfied with this decision, and appeals to the Court in error. After many delays, in June, 1859, one year and three months after the expiration of the copyright, the case is again argued before the Lord Chief Justice of the Queen's Bench, and six other judges, who decide that the design is new and original according to the meaning of the Act. The former decision is reversed, and judgment given for the plaintiff.

Now it really appears to be absurd that it should require nearly two years of time, 600*l.* or 700*l.* in money, and the attention of twelve judges to decide whether a pattern is new or old. All this might perhaps be justifiable in regard to a patent which had fourteen years to run, but for a copyright of twelve months a very different course of procedure should be instituted.

If we are to have protection, any proceedings should be summary, or the mischief is greater than the benefit; for a man of small capital had much better allow his design to be pirated, than run the risk of a tedious and doubtful lawsuit. Registration under the present system is therefore no protection to him.

It will be noticed that, in the case referred to, the delays and expenses arose from the proceedings being carried from court to court, the points in dispute having been argued no less than four times; and when the decision was at length arrived at, it was not of the slightest value, for whether the design was new or old at the commencement of the suit, there can be no doubt that it was old and obsolete at the conclusion. Now surely a competent tribunal could decide such a point at one hearing; and I would suggest that all cases of this nature should be referred to a judge whose decision should be final.

I have now only to refer to the 4th head—publicity of registration.

When any design in metal or pottery is registered, the denoting mark is impressed upon each article, and the purchaser is at once

made aware that protection is claimed; but this is evidently impossible in the case of textile goods, each piece having generally to be subdivided into many portions.

By the present regulations the only notice required is the appending of a ticket to every piece when sent from the manufactory. This merely conveys the information to the wholesale dealer; and as it is not incumbent upon him to transmit it to the retailer, the public at large may be quite ignorant of the fact, and any manufacturer may render himself amenable to ruinous legal proceedings quite unwittingly; for no information can be obtained at the registration office as to any registered design, and no inspection is allowed without obtaining a judge's order, which is only granted when litigation is going on.

I am aware that it is alleged that if unlimited inspection were allowed, it would enable parties to see all the designs and adopt them with slight alterations. The same objection might be urged against the publication of full particulars in regard to a patent; but this is considered essential to its validity; and I cannot but think that the abuse of inspection is a less evil than the extreme secrecy now enforced.

If a cheap and speedy means of redress against piracy were instituted, inventors would have all the protection that the law could afford, and with that they should be content.

Recordation, adapted both to the Purposes of Jurisprudence and the Ascertainment and Amendment of the Law, and generally to the Purposes of the Association for the Promotion of Social Science, with a View to the Realization of its Matters in a Scientific Form. By ARTHUR SYMONDS, *Barrister-at-Law.*

IN 1857 I read at our meeting a paper on the Recordation of Law for the purposes of Promulgation, Administration, and Legislation. In 1858 I read another, supplemental to the above, on the Legislative Arrangements of a Ministry of Justice. This paper continues the subject at a higher point of view.

It comprises all those matters which constitute Jurisprudence and Social Science, which is but another name for jurisprudence. For Jurisprudence is the law of humanity in society. It has no jurisdiction over a single person till that person is brought into relation with one or other persons.

Jurisprudence, taken in all its aspects, fundamental and other, and with entire amplitude of illustration, is in fact Social Science.

It affects primarily persons, the subject matter of all human law and legislation, in all their varied states and conditions, natural, conventional, institutional, or legal, mixed and exceptional (social being the basis and *sine quâ non*).

It affects them in all the predicaments in which they may be

placed, throughout the entire career of their existence, and even perhaps before and after it.

It affects them in the actions, rightful or wrongful, of all such persons to others, and to themselves in relation to others.

It affects them in the services which they are bound to receive and to render, or cause to be received and rendered, and all the principles and policies, the tactics and practice, which in such their predicaments, and with such their authority and resources and practical appliances they may or must adopt.

The immediate practical object of my present effort (which I must ask you to keep in view as an abiding caution at each point of the consideration of the subject) is to record, and only to record (not to propound or to argue, or advocate or establish, but simply to record), every position and proposition of every social matter alleged to appertain to Social Science in such a natural and convenient manner as will at once find a place for every matter, and serve to indicate the scope and composition of every society, natural, conventional, legal, mixed, and exceptional, and the relation and correlation of its members and incidental matters, and their conformableness and efficiency for their respective purposes, with the alleged defects and mischiefs, and the alleged expedients, preventive and remedial, and the alleged effects beneficial, attained and attainable.

Such a record might be the basis of operation for each year of our exertions. To this end it should consist of the whole matter up to that time, presented in a connected, well digested, and consolidated statement in a convenient form, showing the exact state and condition of the matters, accredited and unaccredited, and raising fairly and frankly the topics necessary for the ascertainment, the assimilation, the development, the correction, and the amalgamation of the matter, and for the realization of it in a practical way by the institutions, state and voluntary, available for the purpose.

There are two *principia maxima*, or bases, of such record available to us.

The one, that of society at large: the whole being of society and its composition.

The other that of the individual: the whole being of the individual and his composition.

These taken together will find a place for every human interest and every human want, for every human end, and for every human agency.

It will comprise Robinson Crusoe alone in his most solitary condition, with the presence of all his wants and the absence of all his aids and appliances, except his own inherent faculties and the territory which he occupies.

It will comprise Robinson Crusoe and his man Friday, and every other social entity, with all the complementation and supplementation which make up a social entity in its full force, comprising the entire personal means of providing for every human interest and want by appropriate claim and representation, and by appropriate administration and agency.

It will record our discoveries of defects, and the mischiefs resulting from such defects; of the expedients preventive and remedial, and the effects attained and attainable by social means.

It will include states and their constituent communities (kingdoms, nations, provinces, counties, cities, towns, parishes, places, districts, colleges, houses, tenements, apartments, rooms and the inhabitants thereof), infants, children, youths, adults, elderly persons and aged, male or female, single or married, or widowed, and the claims and pretensions of each, their predicaments and exigencies, their authorities and resources, their services and patronage, their principles or policy, and tactics or usage.

It will in like manner show all those bodies that range between the individual and the state, wherein they agree and wherein they differ, and how the composition and conditions of those bodies may be reconciled to their immediate purpose and the common purpose; by common recognition, common knowledge, common law, common contribution and co-operation, and by the common aid of their common force.

But there must be bases—instruments of recordation, and agents of recordation, and processes of recordation, and the needful presidency for the purpose of providing for the recordation of each new development of want, and taking order for each emergency as it arises.

The bases, instruments of recordation, which I would propose, are:—

I. Basis, register table, expository in a synoptical form of the whole matters, and their composition in all their relations and correlations.

II. Basis, register books, explanatory of the matters in whole and detail, accompanied by contributions in entirety or by way of extract or abstract, from authorities of all kinds.

III. Standard indexes, alphabetical and classed, referring to all such matters by appropriate names designative of their nature and indicating their place in the register table expository, and register books explanatory.

IV. A special commentary on the practical arts, the literature, the history, the science, and the philosophy of the subject.

V. An annual report and collection of the measures alleged to be necessary for enabling the different members, aggregate and other, of society to render themselves conformable to and efficient for their purposes.

These bases have the following correlative uses. The register table exhibits the place of each matter, and determines its place and position in the register books. The office of the register table is to indicate by the briefest designation, that of the register books to explain in the fullest manner, which it may be convenient to adopt.

The indexes, the commentary, and the report are accessories. The indexes should be of persons, of predicaments, of transactions, and such other matters as may be thought requisite, arranged alphabetically, and also in a classed way.

The commentary is the means of recording specially the annual accretions of matter apart from that with which it is to be incorpo-

rated, that it may be made the subject of distinct observation and inquiry.

The report will show the adequacy of existing social arrangements, the congruity of their several parts with each other, and their conformableness to and their efficiency for their respective purposes.

These purposes, their place and position, their contribution to the grand purpose, the wholeness and entirety of the society, its unity and vigour of action, and its beneficial service and aid to all its members of whatever aggregation or individuality, and whether personal, proprietary, commercial, functional, or suitor, of whatever degree, will be indicated in the register, and its summary exhibitions in the tables and abstracts appended thereto.

As every social entity that we know of has its purpose, place, and position, in some larger body of purposes and places, the effect of exhibiting the whole with all its parts, will be to diminish by so much the amplitude of illustration for each part, and how that is to be attained I indicated in the appendix to the paper I read last year.

The enumeration of the tables of states and individuals, and of the complementary and supplementary matters would exceed the minute of time which, by the rules of the Association, belong to this head.

And so would the instructions and details of the structure, the matters, the ordering of the matters, the expression, verbal and formal, or typographical, all of which are conducive to the due impression on the mind which tables well constructed are calculated to give of the whole matters, and of the relation and correlation of the parts of those matters to which they relate.

These are matters which could only be properly and satisfactorily stated and explained to a special committee of your body, or a special meeting appointed for the purpose.

Besides, of most of these matters, it should be observed that, though they are necessary for the production of the intelligence which they are calculated to give, they constitute the mysteries of the study and the workshop, and are not to be supposed to be used by anybody except in those particulars which may be requisite to his peculiar avocations.

Therefore, though each individual would readily recognise the suitableness of that portion which should apply to his own work, he would be apt to consider that the other portions, useful to others, were somewhat, if not altogether, in excess.

I know of no other way of combating this difficulty than by indexing our past transactions with those of the present year, in the manner I propose; and I should be happy to render any assistance in my power to such a work.

I may, perhaps, be permitted to indicate some points which would be deserving of consideration; for it is to be remembered that the agency of recordation, and the processes of recordation, are of material importance in the building up of our Social Science, and our Social arts—the arts of government, of administration, public and private,

of official action, of inquiry, of legislation, of finance, and of special enterprise, being, all of them, seriously affected by the neglect of recordation, to which modern habits of activity are singularly averse.

The agents of recordation (we are not now considering merely the operations of our Society but of the State or any other body undertaking that task, for arrears as well as for current operations) might be the following, represented by one, by five, by twenty-five, or by any greater or less number of persons, according to the pressure of the work and the difficulty of finding the requisite qualities in the same person.

By the system of scholarship proposed in the appendix to my paper of last year, the force might be readily supplied, and would give the scholar the opportunity of studying the entire range of the subject in every variety of phase.

Let us say twenty-five workers, acting in the following capacities:

1st Group.—Collection.

1. Collector.
2. Sorter.
3. Receiver.
4. Filer.
5. Depositor.

2nd Group.—Reading.

6. Articulator and indexer.
7. Extracter and inserter.
8. Abstracter and compiler.
9. Collator and annotator.
10. Reader and editor.

3rd Group.—Registration and Revision.

11. Register of suggestions, &c.
12. Reporter of papers, books, &c.
13. Composer or draftsman.
14. Consolidator.
15. Reviser.

4th Group.—Recordation and Publication.

16. Registrar.
17. Recorder.
18. Advertiser and notifier.
19. Publisher.
20. Promulgator.

5th Group.—Mechanical Registration and Deposit.

21. Stationer.
22. Copier.
23. Engraver.
24. Printer.
25. Bookbinder.

The processes of recordation are indicated in the enumeration of agents which I have just made. They may be stated summarily to be:—

1. Process of rough collection.
2. Process of refined collection.
3. Process of revised collection.
4. Process of recordation and promulgation.
5. Process of mechanical registration.

These processes range from the rough, haphazard collection of matters as they come to hand, to the final stage of promulgation in all the forms adapted to the purpose, the most ample, full, abridged, short, abbreviated, calculated for each kind of users.

Of presidency I will say nothing, except repeating the suggestion I made in the appendix to my paper of last year, that there should be a small corps of presidential assistance sitting constantly and acting daily, and consisting of an official principal presiding, a reporter—secretary, an officer assistant, a shorthand writer, and a clerk attendant, whose occupation it should be to do, with such assistance as may be afforded, the work of recordation, and prepare for the action of the coming year in such a manner, that we may gravely discuss the weighty matters that present themselves.

In this great community of busy spirits there are many who would cheerfully co-operate in an organized effort to cover the vast field of contemplation of which we have taken possession.

By the means I propose in the present and my two former papers, there will be provision for the recordation, in an appropriate and accessible manner, of whatever concerns the human subject in his social relations with his fellow creatures; his place and position; his predicaments, structure, nature, wants, and interests; his establishments or organizations, natural, conventional, institutional or legal, mixed or exceptional, which usually attend him; his complementations and supplementations; and, above all and before all, his preparation or education, his maintenance, his keeping or government, his discipline and correction, and his use: in other words, his instruction, his training, his examination, his probation or trial, and his engagement, and therewith his responsibilities and remuneration.

And with the consideration of the individual being at the one end, there will be provided the basis of consideration of the grand social result, the State—one and individual, comprehending many communities—and of the character of its people, with its degree of strength in all requisites, its strength in physique, its strength in intellect, its strength in industry, its strength in social habits, and its strength in morality and religion, with the points in which it is defective and how far; and, again, of its government by a headship of the whole state, and in each of its communities, and to what degree it embodies, in the whole and each community, wholeness, unity of power, comprehensiveness of object, propriety of purpose, completeness of means, and uniformity, with every suitable variety of energetic action and peaceful enjoyment; together with what subsidiary means—of councils the greater or lesser, and of ministers specially responsible, and of representatives and agents of all kinds, and in all places, promoting and vindicating the claims and rights of every person of whatever condition.

It will be shown that the statement of these views of the social condition as the ends themselves, are to be obtained by consolidation in all its forms,—by consolidation, not only of the whole state, but of each and all of the communities and classes that constitute the state making them each whole and entire, independent, yet complemental

and supplemental, of the state at large and each other,—by the consolidation of the common knowledge, by means of common records and common instruction,—by consolidation of the tribunals of the whole state and of each part of the state,—and by consolidation of the whole law, common as well as statute, by digesting both one and the other as it affects each member of the state in each predicament of his career,—by consolidation of the financial system and the methods in use in relation both to public and to private enterprise,—and by consolidating the services, national and social, general and special, of the state and its respective parts, in their several spheres.

I have shown in this and previous papers how the proposed work of recordation may be done by few hands in a long time, or by many hands in a short time, if they act on one and the same design; and that workmen, gratuitous and paid, might be had from all quarters, from every rank of office or of life, the greater part of the work being done by persons who are already maintained by the public treasure.

I appeal to this Society, in virtue of the task which it has assigned to itself of promoting Social Science, to gather up the fragmentary contributions it receives, and so arrange them, that they may tend, gradually and certainly, to make up a comprehensive whole, worthy of the name of a science, and so realized by appropriate methods as to be practically effectual as an art, the science and the art being, as all sciences and arts of cognate nature are or ought to be, correlates of each other, mutually and reciprocally subservient to each other, to the fullest practicable talent of the common purpose.

NOTE.—It is proposed at the Glasgow meeting to exemplify in outline, with some practical illustrations in detail, the plan suggested in this paper, and to give the necessary instructions for the use of its workers.

SUMMARY OF PROCEEDINGS IN THE JURISPRUDENCE DEPARTMENT.

VICE-CHANCELLOR SIR WILLIAM PAGE WOOD, the President of the Department, delivered his opening address in St. George's Hall, on the morning of Tuesday, the 11th of October, and occupied the chair during the proceedings of that day, and part of Wednesday. In his necessary absence during the rest of the meeting (occasioned by his duties as a member of the Cambridge University Commission), the Right Hon. Joseph Napier and Mr. Daniel, Q.C., successively presided. Mr. J. Napier Higgins and Mr. Arthur Ryland, the permanent secretaries, and Mr. John Darlington, the local secretary, were present during the whole meeting, and the department is greatly indebted to them for their valuable services.

In addition to the papers printed in the foregoing pages, the following contributions were made to the department:—

'On the Laws affecting Debtors and Creditors, and on the Amendment of the Law of Bankruptcy,' by W. Sidney Gibson, Barrister-at-Law, Registrar of the Newcastle Court of Bankruptcy.

'On the Incorporation of Chambers of Commerce,' by John Darlington, Solicitor, Secretary to the Bradford Chamber of Commerce.

'The Province of Legislation,' by J. Campbell Smith, Advocate, Edinburgh.

'The Transfer of Land,' by W. A. Jevons, Solicitor.

'On International Copyright Property,' by T. R. Blaine, Barrister-at-Law.

'On the Defects of certain Provisions of the Patent Law Amendment Act, with Suggestions for their Removal,' by A. F. Newton.

'On the Applications of Science to the Discovery of Crime, and Administration of Justice,' by John Letheby, M.D.

'On Scientific Evidence in Courts of Law,' by Angus Smith, M.D.

EVIDENCE IN CHANCERY.

In the discussion on Mr. Daniel's paper, printed at p. 169,—

Mr. ARTHUR SYMONDS observed, that the Court of Chancery was not merely judicial, but also administrative; and more attention should be paid to the efficiency of this latter function. Minutes of his proceedings ought to be kept by the officer inferior to the judge, so as to secure his independence, for the Court was now verging towards an entire autocracy of judges. In Judges' Chambers there ought to be a record-keeper, for the protection both of the public and the judge.

The RIGHT HON. J. NAPIER said, that the procedure in Chancery in Ireland was more advanced than in this country, the reform having been commenced earlier. In Ireland the case might be presented on affidavit in the first instance, but witnesses were always examined orally on the application of counsel. Taking evidence before examiners had been entirely given up, and the judge now heard the witnesses. In fact, the procedure as to evidence in common law and equity was now substantially the same. When presiding over the Irish Court of Chancery, he observed that the evidence on affidavit was often very irrelevant. Juries he had found very useful, though he thought their employment should be in the discretion of the judge. He expressed himself as not very favourable to Local Courts of Equity, on account of the difficulty of procuring judges of sufficient ability.

Mr. EDWARD WEBSTER referred to a recent report of the Law Amendment Society, on the mode of taking evidence in Chancery. That report recommended the abolition of the examiner's office, the oral examination of witnesses before the judge, and the employment of juries to try questions of fact.

The PRESIDENT said that only eight issues had been sent to the Courts of Common Law during the past year from the Court of Chancery. The recordation in chambers, which had been alluded to, was already carried out.

CHARITABLE TRUSTS.

In the discussion on the President's paper on Charitable Trusts,* printed at page 184, Mr. THOMAS HARE, emphatically concurring in the principle that the law should not permit property to be dedicated, either by deed or will, to perpetual trusts, contrary to the general law of the land against perpetuities—unless the object of the trust be beneficial, and, therefore, wise—and also concurring in the principle that (apart from the question whether, and to what extent, land should be taken out of commerce by any such perpetual dedication, a question which opened another field of inquiry) real and personal property should be subject to the same restrictions; added that gifts for undeclared purposes, though not trusts technically, and, therefore, not within the statute, but which, by some communications proceeding from the donor, were yet morally, and in the conscience of the devisee or holder, applicable to purposes of perpetual donations, should be also brought within the like restrictions. On the question of defining what should be a lawful trust or settling the principle of the scheme for its application, Mr. Hare expressed his strong opinion to be that the Court of Chancery was an unfit tribunal. The economical principles determining the propriety or utility of such applications involved some of the most profound questions of moral science—questions which positive law had not settled, and in which there was not the least certainty that any two judges would agree, and if they did agree, that their opinions would be well-founded—the study of positive law affording no preparation for such inquiries. There was, moreover, a great constitutional objection—one known and recognised by all writers on constitutional law—to mixing or combining the judicial and the legislative functions in the same tribunal—an objection to which all *cy près* jurisdiction was open and essentially obnoxious. He thought a donor may be permitted to dedicate his property to specified charitable uses for a period not exceeding that allowed by the rule of law against perpetuities, and that, at the end of that time, the property should be liberated from the specific trust, and the Charity Commissioners should then lay before Parliament, at the commencement of the session, the principle of a new scheme for its application, framed with the degree of scientific knowledge to which society may, for the time being, have attained; and that if a session passed over without any resolution of either House repudiating the principle proposed, it should take effect as a principle of law, and the details of the scheme be settled accordingly—all such schemes being open to revision by similar means, as knowledge and public opinion, in the progress of society, should require. Civilization was yet very young, and it was not for one generation to prescribe the manner in which

* On this subject see Mr. Hare's paper 'On the Application of Endowed Charities in the Improvement of the Education and Condition of the Poor' (*Transactions*, 1857, p. 232); and Canon Girdlestone's, 'On the Improved Administration of existing Charitable Funds by their Application to the Endowment of Parochial Schools' (*Idem.* 1858, p. 257; and Discussion, p. 339.)—ED.

the fruits of the earth should be dealt with by succeeding ages. He was of opinion that such a solution of the question might be adopted in dealing with the Roman Catholic charities, and especially those bequests which persons of that persuasion deemed necessary, and which those who were not members of that Church regarded as superstitious. One law should be applied to all.

Mr. JOHN HODGKIN remarked that the President had rendered a distinguished service to the profession and the public by bringing forward the subject, and not only tracing out the defects of the present state of the law, but suggesting remedies for several of them. The subject had to be viewed in its legal and also in its social bearings. In its legal bearings there were some views on which the paper was silent, but which would nevertheless require close attention in any comprehensive legislative measure. In the first place, the distinction between mortmain and charitable use (which had not been quite recognised in the paper) must be clearly borne in mind. In popular language the statute 9 Geo. II., cap. 36, is called the Mortmain Act, whereas it is not mortmain, but charitable uses and trusts, against which that statute is aimed. There may be a gift in mortmain which is not a charity, as a gift to a lay corporation for its own benefit and enjoyment; and there may be a gift to a charity which is not mortmain, as a gift to natural persons and their heirs in trust for purposes of public benefit. The former would be untouched by the statute of Geo. II., the latter (though not mortmain) would be rendered void by that statute if it did not conform to its provisions. Then again, wherever the subject is dealt with comprehensively by the legislature, the effect of the 43 Eliz., cap. 4, must be thoroughly gone into, and either the statute repealed or the monstrous construction which has been put upon it both at law and in equity restrained. There are decisions on this statute, as yet unreversed, which establish that the will of a *feme covert*, the will of a tenant in tail, and a nuncupative will of a rent are valid. It has been held that 'the statute supplies all defects of assurance which the donor was capable of making—the intent of the statute being to make the disposition of the party as free and easy as his mind, and not to oblige him to any forms and ceremonies; that therefore it repealed *pro tanto* the old statutes of mortmain, and gave the power of devising in mortmain which had been excepted out of the Statute of Wills.' (See *inter alia* 1 Ves. Sen. 225; 2 Blackst. 1183; 7 Taunt. 546, the later case showing that this effect is produced at law as well as in equity.) And though of course the statute 9 Geo. II. cap. 36 restrains the generality of these results, and subjects charity to special provisions, yet there are cases to which it does not apply, and even in those to which it does extend if these special provisions are fulfilled, some of the effects produced by the statute of Eliz. yet remain. In the next place, in dealing with the statute 9 Geo. II., cap. 36, it may deserve consideration whether sales, mortgages, and leases for full and valuable consideration should not be wholly exempted from its operation; and it is submitted that, at all events the reservation in a lease to a charity of a

uniform rent to the lessor should not invalidate the transaction; and yet the strong words of the statute have been considered to have that effect. Doubtless the real object of these words was to prevent a man making a gift by deed and reserving a life interest, a power of revocation, or other benefit of the kind to himself, which would give to the transaction that *post obit* character which it was a prominent object of the legislature to prohibit. There is a principle in the legislation on this subject which is very sound, and which ought not to be neglected in any alteration of the law, namely—that a grantor should not blend charity and self-interest. It is in mixed cases of this kind that imposition is most probable. A person who if he was to give out and out would be on his guard, will be very likely to be imposed upon if he makes a gift to a benevolent purpose (perhaps as he thinks *pro salute animæ*), and at the same time bargains for some benefit to himself. The sacrifice involved in a gift out and out is a great protection to heirs. Mr. Hodgkin further remarked that he had himself framed the short remedial Act 9 Geo. IV., cap. 85, and that he had been desirous of thereby correcting prospectively as well as retrospectively the defect in titles (which he had observed to be by no means an unfrequent one) occasioned by the omission to enrol conveyances for full and valuable consideration to charities, and also the defect occasioned by the reservation of rents to the lessor in ordinary leases to charities. But Lord Chief-Justice Tindal (then Solicitor-General), who kindly undertook for him the charge of the Bill in the House of Commons, considered that there was some doubt of carrying the larger measure in the then state of the question of a general reform in real property law, and it therefore passed in its present very restricted form. As to the social and economical bearings of the question, the vast increase of capricious and fanciful, as well as religious dispositions to charity, proves to demonstration the need of restraint in the direction pointed out by the Vice-Chancellor's paper, and he hoped that when the whole question was investigated, it would lead to even greater restrictions than the President contemplated. It had often appeared to him strange that, odious as a perpetuity is in the eye of the law, and strictly forbidden in common cases, it should only need that the perpetuity be for a charity, however fanciful and absurd, for it to be allowed without restraint as to amount or to time, provided only it did not offend against the provisions of the statute 9 Geo. II., cap. 36, and which indeed, if the gift did not savour of the realty, or consist of stock, did not touch it. The mischief of locking up personalty from circulation and the commercial use of the existing inhabitants of the earth for the time being, seems hitherto very much to have escaped attention, but it is nevertheless a manifest evil. And moreover the wants of one generation differ incalculably from those of another, as is evidenced by the frequent applications for judicial relief by providing a new scheme for an old charity, and for legislative interference to set aside or modify the founder's intentions even as to such legitimate objects as schools, colleges, &c.

The Rev. Mr. Fearon pointed out the great difficulty in applying

money with advantage even to the purest charity. If applied for the endowment of schools, it often made the masters indolent, because it made them independent of scholars.* Almshouses were not wholly judicious, and were often used for purposes not intended by their founders.

Mr. A. F. MAYO was of opinion that the paper under discussion enunciated a decisive and salutary principle, ascertaining the true theory of benevolence, as modified by public policy; and that Mr. Hare's suggestions were valuable amendments, especially the proposal for substituting the action of the House of Commons for that of the Court of Chancery; a proposal which drew a wise distinction between the duties of the judge and those of the Legislature—seeing that the habit of mind of a judge must, generally, unfit him for dealing with future and, therefore, unseen conditions. Mr. Mayo considered that one main social object in the restriction of the right of private individuals to tie up property in the future, was the increase of value of land in its convertibility; and that, in the corresponding restriction of the right of private individuals to give a future character to their charities, the convertibility of those charities to the social purposes of the future would be preserved. The doctrine of *cy près* was a clumsy expedient, and, if logically carried out, should enable a judge to devote charities which fail from their impolicy to any public object he may choose. He did not approve of the President's suggestion of limiting the amount of property to be given to any new charity; and this because it would arrest the charitable impulse in its very inception, each man thinking himself the best judge of what is the right amount. If the new charity be otherwise right and approved by the Commissioners, such a distinction would be invidious, as the old charities would still receive any amount by will or deed; whereas the leaning should rather be in favour of new charities, as more likely to be in accordance with the social wants of the time. The reason why our ancestors did not understand the true policy respecting charities, was that they confused the goodness of the individual act with its public policy; and when the two were plainly inconsistent, they thought the goodness of the giver made the gift one publicly good, and, therefore, useful. He thought that indiscriminate small charities were always bad, as tending to encourage the increase of paupers in expectation of a support which might never reach them.

Mr. HENNESSY, M.P., made some remarks on the enactments which prevent bequests for religious purposes. The law on this subject was full of anomalies, and he had introduced a Bill during the last session with the object of placing all denominations on the same footing. He disapproved of any attempt to fetter the will of individuals who wished to be charitable.

Mr. BUNTING was of opinion, that the President and the other speakers had forgotten one main element in the question. It must be recollected that there were forty or fifty thousand charities whose exist-

* See the paper by Rev. J. D. Collis, in *Transactions* of 1857, p. 128.—ED.

ence would be affected by the proposed course, and that the difficulties of dealing with such numbers were very great. A crusade against religious endowments would raise a burst of indignation. He was inclined to think that the Mortmain Laws should be swept away; in Ireland there were no such laws, and no difficulties resulted; in Scotland there were none, and yet no mischief had ensued, though the religious zeal of the people would make such laws necessary there if anywhere. The absurd distinction between realty and personalty should be swept away, and it would probably be advisable to abolish the difference between the restrictions on wills and those on deeds. The strongest argument against the present restrictive law, was that it was constantly evaded. The jurisdiction of the Court of Chancery was sufficient to prevent evil, and the new system proposed was therefore unnecessary. A large amount of information would be found in the parliamentary reports on Mortmain.

LAW OF BANKRUPTCY AND INSOLVENCY.

On the Wednesday, a discussion on the Bankruptcy and Insolvency Bill approved by the Association at Liverpool, and introduced into Parliament by Lord John Russell in 1859, was preceded by the Report of the Mercantile Legislation Committee, the paper by Mr. Edward Fry, printed at page 206, and a paper on the Bankrupt Law, by Mr. Sidney Gibson, Registrar of the Bankruptcy Court at Newcastle-on-Tyne, of which a summary is given below.

Mr. G. W. Hastings presented the Annual Report of the General Committee on Mercantile Legislation, of which he had been chairman during the past year. The Committee was constituted by a resolution passed by the Association on the 16th of October, 1858, at Liverpool, and consisted, by the terms of that resolution, of not more than seven members nominated by the Council of the Association, and of two delegates chosen by any Chamber of Commerce, or similar body, subscribing to the Association as a corporate member. The members nominated by the Council were at present, Mr. Edgar, Mr. Gassiot, Mr. Robert Slater, Mr. Smale, and himself; and the bodies nominating delegates were the Chambers of Commerce of Belfast, Birmingham, Bradford, Bristol, Edinburgh, Huddersfield, Leeds, Leith, Liverpool, Manchester, Newcastle-on-Tyne, Wolverhampton, and Worcester;* and the Trade Protection Societies of Bristol and Clifton, Leicestershire, Liverpool, and the West Riding of Yorkshire. The Committee had held four meetings during the past year,† and had given their best attention to three subjects referred to them; the Law of Bankruptcy and Insolvency, the Registration of Partnerships, and the Incorporation of Chambers of Commerce.

1. As to the first, the Committee proceeded to carry out the instructions given to them at Liverpool, in reference to the Bankruptcy

* Since the Bradford Meeting, the Chambers of Commerce of Coventry and Southampton have joined the Committee.

† On the 17th November, 1858, the 10th March, 1859, the 31st May, 1859, and 12th October, 1859. There were also meetings of Sub-Committees.

Bill approved by the Association; and on the 15th of February, 1859, the Bill, with some slight amendments, was introduced into the House of Commons by Lord John Russell and Mr. Headlam, and on the 16th of March was read a second time. The measure was vigorously supported by the Chambers of Commerce and Trade Protection Societies represented on the Committee, and was received with approbation by the House. Numerous petitions were presented in its favour, and among them one from the Council of the Association.* The further progress of the Bill was stopped by the dissolution of Parliament; and the subsequent change of Government, involving the accession to office of the two members who had charge of the measure, prevented its introduction during the short summer session. The time, however, has not been lost. It came to the knowledge of the Committee that some portions of the Bill were distasteful to the merchants of the City of London; and being desirous to disarm opposition, and convinced also that all mercantile men were agreed on the broad principles of bankrupt law reform, the Committee obtained a conference with Mr. Samuel Morley and other gentlemen, representing the trading interests of London. At this meeting it was represented by Mr. Morley and his colleagues, that though they were in favour of the fusion of the Bankrupt and Insolvent Law, they were opposed to the abolition of the Court House in Portugal-street, which would be convenient for the disposal of small cases. It

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* TO THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED.

The Petition of the Members of the Council of the National Association for the Promotion of Social Science

HUMBLY SHOWETH,

That the laws relating to bankruptcy and insolvency in England and Wales are scattered through no less than twenty statutes; and that the public convenience and interest require that these laws shall be consolidated in a single act.

That the technical distinctions between bankruptcy and insolvency, and between trader and non-trader, produce anomaly and uncertainty in the administration of the law, and ought to be abolished.

That no adequate means exist for any facile and proper distribution of the estates of deceased insolvents, and that such means ought to be afforded.

That the expense of proceedings in bankruptcy is far too great, and ought to be materially reduced; and that the experience of Scotland, where the expense of sequestration is not more than twelve per cent. on the assets, affords a conclusive proof that, under a well administered system of bankrupt law, the distribution of an estate may be cheap as well as honest and efficient.

That sufficient facilities for enforcing voluntary settlements between a debtor and his creditors are not afforded under the present law, and ought to be established without delay.

That the Courts of Bankruptcy are often situated at a great distance from those who require to use them, and that much greater facilities for local justice in bankruptcy cases ought to be given by means of the County Courts.

That the punishment of fraudulent debtors should be more stringent and certain than at present.

That a Bill has recently been introduced into your Honourable House, entitled, 'A Bill to Amend and Consolidate the Laws relating to Bankruptcy and Insolvency.'

That your Petitioners believe the provisions of the aforesaid Bill are well calculated to remedy the evils, and to carry out the improvements above recited.

was also stated that the mode of electing the creditors' assignee, proposed in the Bill, by the whole body of creditors, might lead to canvassing and to the choice of improper persons; and that a better plan would be to provide for the election by the creditors at their first meeting of three unpaid assignees out of their own body, who should appoint either the official assignee, or such other duly qualified person as they might choose, to be the paid manager of the estate, occupying the same position as the creditors' assignee proposed in the Bill, and as a trustee in a Scotch sequestration. Further, it was suggested that an addition should be made to the acts of bankruptcy enumerated in the Bill, by providing that the non-payment, for six days after it is payable, of a debt due on a certain day, on a bill of exchange, or other instrument signed by the debtor, should be an act of bankruptcy, provided the creditor should summon the debtor, within a month after it is payable, before the Court; and provided the Court should be of opinion that the debtor has not a good defence, or is not in good or solvent circumstances.

With regard to the certificate, it was recommended by Mr. Morley that a series of questions as to the bankrupt's conduct should be endorsed, and be filled up by the commissioner, thus affording to the public a real criterion of the value of the certificate. These and one or two other slight suggestions were entirely agreed to by the Committee, and were ordered to be embodied in the Bill before its reintroduction into Parliament; and the Committee had now the satisfaction of reporting that the measure received the support of a large body of London merchants, as well as of the Chambers of Commerce and Trade Protection Societies, and that it commanded, in fact, the approval of the trading classes throughout the whole country.

2. The question of the registration of partnerships was referred to a Sub-Committee, who reported that it was expedient to obtain the appointment by the House of Commons of a select committee to inquire into the subject. This report was approved, and steps were taken to carry its recommendation into effect, when the discussion on the Reform Bill, and the subsequent dissolution of Parliament, put an end to the design.

3. On the introduction into Parliament by the Lord Chancellor Chelmsford of the 'Trading Companies Winding-up Bill,' which contained a clause empowering the registration at the Board of Trade, with the privileges of corporate existence, of public bodies not constituted for trading purposes, it was resolved that Chambers of Commerce ought to be specifically mentioned in this proposed enactment, so as to leave no doubt of their power to become incorporate. He (Mr. Hastings) accordingly wrote to Lord Chelmsford, suggesting such an insertion in the clause referred to, but received an answer from his lordship, expressing his belief that the alteration was not needed, as the words of the Bill were wide enough to include Chambers of Commerce.

Mr. Hastings, in concluding the report, recommended the Department to again refer the subjects above mentioned, with any others

that might be thought desirable, to the Committee, who, he hoped, would continue their active exertions during the coming year.

Mr. SIDNEY GIBSON, in his paper 'On the Law affecting Debtors and Creditors, and an Amendment of the Law of Bankruptcy,' reviewed the measures discussed in recent sessions of Parliament for amendment of the law of bankruptcy and the assimilation of the laws relating to bankruptcy and insolvency, and urged that the evidence taken before the Bankruptcy Inquiry Commission and the recommendations of the Commissioners should be taken as the guide to legislation on this important subject. The chief points in dispute appeared to be the propriety of amalgamating the bankruptcy laws with those relating to the insolvency of non-traders, and administering them by one tribunal; of subjecting all cases of insolvency to judicial control; of restraining the creditor's power of imprisonment for debt; of abolishing voluntary deeds and private arrangements; of retaining the official assignee; of modifying the penalties for offences against the law of bankruptcy; and of persisting in the attempt to distinguish by the present or any classification of certificates of conformity, the unfortunate, but honest, from the fraudulent or censurable trader. Assuming it to be granted by all parties that bankruptcy laws are intended to prevent abuse of credit and promote honest trading; to diminish the frequency and disastrous extent of mercantile failures; to administer assets without needless expense, formality, or delay; to prevent undue preferences by a failing trader, and abridge the power of a selfish creditor; and to make the Bankruptcy Court a tribunal in which the honest debtor may without humiliation find vindication and relief in all cases of unavoidable loss and misfortune,—the author proceeds to consider whether the measures introduced by the late Lord Chancellor and by Lord John Russell were calculated to effect these desirable objects, and to obviate the complaints made against the present system in bankruptcy, and states his reasons for disapproving of those measures. He concedes the justice of the complaint founded on the expense of administering an estate in bankruptcy, but thinks a remedy can be applied only by relieving estates from the existing stamp duties and per-centage fees, and from all charges of official assignees, except a commission on collection of assets; in order to which relief the author advocates the proposal that the judicial salaries, and, at all events, the compensation-annuities for abolished offices, should be borne by the Consolidated Fund, the 'Interest of Bankruptcy Fund Account' being thereupon transferred to the public, and that a limited salary should be paid to the official assignees. He thinks their number should be reduced, and that the scale of remuneration to those functionaries and to the messengers should be lower. He points out that if all cases of insolvency of traders were to be made subject to judicial control (to be exercised in public or private, according to the circumstances of the case), the scale of remuneration could be so greatly reduced, that the official assignee's charge on each estate would not form any subject of complaint. As to the collection of assets, he recommends that each commissioner should be invested

with the powers of a County Court judge, to enforce payment of debts found due to a bankrupt's estate, the present machinery being costly and unsatisfactory. The author goes seriatim through the other objections advanced against the existing law. As to the complaint that it is not sufficiently stringent for the punishment of fraud, he recommends a revision of the penal clauses or category of offences in the Consolidation Act of 1849, and that the commissioner should be empowered to order prosecutions, if not himself to try, with a jury, accusations against a bankrupt. The author does not deem well founded the complaint that those clauses are of too inquisitorial and penal a character. After commending the transfer to the Court of the power to give discharge by certificate (which, in the country, was in the discretion of creditors prior to Lord Lyndhurst's Act of 1842), and remarking that classification of certificates was not recommended by the Commissioners of Inquiry, the author objects to its present form, as not sufficiently distinguishing the honest from the censurable trader, and he agrees that certain forms which have been suggested for conveying an expression of opinion by the Court with regard to the trader's conduct and the cause of his failure, should be substituted for the procrustean form now used. As to the complaint, put forward by mercantile associations, that creditors have not sufficient control in the management of an estate, the author shows how effective and sufficient a control (in his opinion) they possess by the existing law if they choose to exercise it, and strongly deprecates the proposal to enable creditors to take the administration of an estate out of the hands of the Court. As to the complaint that the procedure in bankruptcy is injuriously public, the author recommends that the commissioners be empowered to hear such cases in chambers, as the ends of justice may not appear to them to require that they should adjourn into the public court; and he thinks proof of debts should be taken in private, and that the ordeal of examination might be divested of its publicity at the discretion of the Court. Being convinced that all insolvency should be dealt with judicially, and that no private arrangements out of court should be permitted, the author thinks all such cases should be heard in chambers.

With regard to the proposal to obviate the complaint founded on the expense of the official assignee, and the distance of the bankrupt's place of trade from the court in some cases, by dividing the jurisdiction of the Court of Bankruptcy with the County Courts, he strongly urged that the unity of the tribunal should be preserved; that the official assignee is an essential part of the improved system of bankruptcy administration which Lord Chancellor Lyndhurst extended to the country districts in 1842; that the County Courts have no administrative machinery, and that a variety of evils, which the author specified, would result from any distribution of bankruptcy business amongst a large number of distinct and independent courts. Speaking from his own experience of seventeen years, in a district embracing four counties, and in a court surrounded by a population of more than half a million within a radius of twelve miles, the author is

persuaded that the bankruptcy jurisdiction is already sufficiently localized. He then adverted to the proposal that the distinction between traders and non-traders should be abolished, and that one tribunal should deal with the insolvency of both classes of debtors—a proposal which was not put forward as a remedy for any defects in the existing law, but as an improvement in the general law of debtor and creditor; and he approved of the fusion of the two systems, while admitting the distinction between the two subjects, but doubted the policy of extending to insolvents out of trade—that is, to debtors whose failure may not have been occasioned by the unavoidable losses and misfortunes incident to mercantile adventure—the protection for after-acquired property which certificated traders now enjoy. He doubted whether even the trader debtor, whose failure arises from undue disproportion between his capital and speculations, from extravagance, reckless trading, or other misconduct not amounting to cause for refusal of certificate, is entitled to anything beyond suspension of process under judicial control. The author then adverted to the question of abolishing imprisonment in execution, save in certain cases, and to the provisions in the measure submitted to Parliament by Lord Chancellor Chelmsford, according to which, arrest after judgment would be permitted rather as a judicial punishment for certain misconduct than as process for recovery of the debt; but the author made no other recommendation than that additional facilities should be given for summoning a judgment-debtor, as a test of solvency and a means of preventing the dissipation of his estate, and that inducements should be held out to a failing debtor himself to stop payment and seek the protection of the Court, before his estate is wasted by preference and executions.

With regard to the class of small traders' petitions, known as 'protection cases,' the author remarks, that few of the petty traders owing less than 300*l.* who come for protection could pay any dividend; and that the jurisdiction in this class of business, which is, therefore, foreign to the purpose of a Court of Bankruptcy, might well continue to be exercised by another tribunal until it shall be decided that all insolvency, as well of debtors out of trade as of traders, is to be dealt with by one tribunal. But the author strongly objects to that provision in the Bill of Lord Chancellor Chelmsford, by which a trader, whatever he might owe, was to be allowed the privilege of obtaining adjudication against himself, whether his assets should or should not amount to 150*l.*—the amount which a trader petitioning for adjudication against himself must now show his available estate to be worth. He protests against a trader being allowed to choose his own time for resorting to the court, and urges the policy of inducing early cession of an insolvent estate. The author takes occasion to remark, that the natural feelings of a man reduced to bankruptcy might be spared by no longer making compulsory the sale of his furniture and the breaking up of his home; and as to the stigma of bankruptcy, which is said to deter many traders from resorting to the court, he commends the suggestion of Mr. Lawrance, that the court be called 'The Court of

Liquidation and Release.' He dwelt on the evils and expense of trust-deeds and deeds of inspection, and to the injustice often done to creditors by a trader who has made a composition and contracts new debts, in order to pay the old creditors. The author then recommends certain declaratory enactments to amend the group of clauses relating to arrangements by deed if that mode of arrangement should be continued; and with regard to the appellate jurisdiction, would revive the Sub-division Court of Commissioners as a tribunal of appeal on questions of certificate. He concludes by recommending that the codification of the bankrupt law and its fusion with the law relating to non-trader insolvents be postponed to needful reform, and trusts it may be at length undertaken in that impartial spirit which has been so successfully brought to the improvement of other departments of English law.

In the discussion,

The PRESIDENT observed that he approved of the provision in Lord John Russell's Bill for paying the Commissioners in Bankruptcy out of the Consolidated Fund; as he considered that it was a national duty to defray the costs of all judicial offices out of the public purse. When Solicitor-General, he had induced the Government to transfer the salaries of the judges in Chancery to the Consolidated Fund, and he had seen the good result of that measure. He wished to say a word as to the expense, though on a point not strictly connected with the subject—the costs of solicitors. At Lord Cranworth's request, he had inquired into the present mode of remunerating solicitors, and he found that they were paid on a very bad system; being remunerated for what they really do by payments for trifling services, or for services never performed. In the course of that inquiry he was much impressed with the fact that larger fees were allowed to solicitors in Bankruptcy than in other courts; and he hoped that an effort would be made to improve the mode of payment, and to assimilate the rate of remuneration in all courts.*

Mr. RAYNER, of the Huddersfield Chamber of Commerce, said that the evils of the old system, whatever they might be, were, to a great extent, counterbalanced by the localization of justice it afforded. But Mr. Gibson's idea that the adoption of Lord John Russell's measure would lead to a return to the evils of the old system, was founded on a fallacy. Mr. Gibson assumed that the assignee chosen by the creditors would be uncontrolled, whereas, by the provisions of the Bill, he would be under as strict a supervision by the Court as the official assignee was at present.†

Mr. MALCOLM ROSS, of the Manchester Chamber of Commerce,

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* See Mr. Edgar's paper 'On Professional Remuneration,' *Transactions*, 1858, p. 127.

† The supervision, if we are to judge by facts, could hardly be less strict. Since the original appointment of official assignees, no fewer than twelve of them have absconded with sums in their possession varying from 80,000*l.* downwards. There is, probably, no other class in the country which has produced, in proportion to its numbers, so large a list of defaulters.—ED.

considered that Lord John Russell's Bill was one of the best consolidation bills ever prepared. He thought provision should be made to prevent an English debtor evading his creditors by going to the Scotch Court, and getting whitewashed there.

Mr. H. F. Bristowe pointed out the superiority of Lord John Russell's Bill over that of Lord Chelmsford. He made this comparison in no political sense, for he cordially concurred in the Vice-Chancellor's remark in his opening address, that no shadow of political feeling should ever tinge their debates, but simply as a lawyer, and as the draughtsman of Lord John Russell's Bill. There were four points in Bankrupt Law Amendment on which commercial men should declare themselves strongly. 1. The necessity of consolidating the acts on the subject. 2. The expediency of giving the creditors more power over the realization of the assets, and of curtailing the functions of the official assignee. 3. The fusion of bankruptcy and insolvency, the abolition of the distinction between trader and non-trader, and the enactment of the 'Dead Men's Clauses.' 4. The undesirableness of mixing up joint stock company legislation with any bankruptcy bill.

On the first point, Mr. Bristowe pointed out that Lord John Russell's Bill would consolidate in one statute the whole existing law, while Lord Chelmsford's would add an additional and fruitful element to the present confusion. With regard to the second, full power was given by Lord John Russell's measure to the creditors to choose their own assignee, and the great principle was affirmed of leaving mercantile men to manage their own business in their own way. The third point comprehended, under three aspects, the principle of administering in one court, and with one form of procedure, a branch of the law now split up under three tribunals. On the fourth head he observed, that an act on joint stock companies had no logical connexion with one on bankruptcy, and that Sir Fitzroy Kelly's proposal to deal with these two distinct subjects in a single measure was calculated to confuse rather than to simplify the law. Mr. Bristowe, in conclusion, urged on the mercantile delegates present the necessity for union and effort, seeing that the opposition to their bill from an established court and a tribe of officials would be sure to be constant and powerful.

Mr. Hastings said that the objection to extending jurisdiction in bankruptcy to the County Courts on the ground that they were ambulatory, was simply a mistake as to the fact. Each County Court was as fixed a tribunal as the Court of Chancery, and had its own jurisdiction, officers, and buildings; but as every court had not sufficient business to occupy a judge, it had been wisely provided that the judge should, in most cases, be attached to several courts. This had led to the erroneous idea that the County Courts were ambulatory. As to the observation that legislation, on certain points, was unnecessary, because the Lord Chancellor had the power of making orders, it carried with it its own refutation; if a public functionary has the power to remedy an evil, and for years neglects to exercise that power, it becomes the duty of the Legislature to inter-

fere. With regard to the question of expenses, he considered it of no importance whether they were a little more or a little less per cent. Calculated in the most favourable way, the expenses were, at least, double those in Scotland, where the bankrupt law was administered to the complete satisfaction of a shrewd, economical, and careful people. But, if they wished to consult a good authority on this head, let them turn to page 516 of the Report of the Bankruptcy Commission (1856), where some carefully compiled tables showed a total of upwards of 30 per cent. on the realized assets. The Judicial Statistics (1858) would help to show how the money went. The commissioner at Exeter was paid 1800*l.* a year, and had a registrar at 800*l.* a year to help him; the total number of cases in his court for 1857 having been 39, of which only 30 proceeded as far as the examination of the bankrupt. It was untrue to say that the opposition to the official assignee system arose from any desire to return to the evils existent before 1831, or was based merely on the present expense. Ample securities, carefully copied from the successful Scotch system, had been adopted in Lord John Russell's Bill to insure punctuality and efficiency from the creditors' assignee; and if the expenses were materially reduced to-morrow, he should remain equally opposed to a system founded on that false legislation which aimed at doing by officialism what men should do for themselves. Any one would imagine, from the tone adopted by their advocates, that official assignees were unassailable; whereas they had shown themselves often inefficient, and not seldom dishonest.

Mr. S. Morley said that there was no Chamber of Commerce in London, so that the metropolis could not, like other towns, utter a united voice. But he represented a large body of London traders who desired to co-operate in this matter with the provincial Chambers of Commerce, and who had come to an understanding with them in reference to Lord John Russell's Bill. Under the present system the London Court of Bankruptcy was rapidly drifting to extinction, it having become so obnoxious that traders refused to enter it.

Mr. Norwood, of the Hull Chamber of Commerce, said that he had been directed by his Chamber to give a strenuous support to the Bill. The Court of Bankruptcy should be a machine for realizing assets, and its constitution should be framed for that object chiefly. He moved—

That this department requests the Mercantile Legislation Committee to take prompt measures to secure the introduction into Parliament of the Bill to amend and consolidate the laws relating to bankrupts and insolvents, brought in last session by Lord John Russell and Mr. Headlam, with the amendments since made, as stated in the report presented to this department.

Mr. S. S. Lloyd, of the Birmingham Chamber of Commerce, seconded the resolution, and said that the expense might vary in different localities, but that the accounts carefully compiled for his Chamber by a clerk in the official assignee's office, showed that the tax on estates in the Birmingham Court was on the average 50 per cent.

The RIGHT HON. JOSEPH NAPIER (from the chair), said that it was satisfactory the question had arrived at a near prospect of solution. In legislating for Ireland, he had always found that the true way was to consult the class who would be affected by the proposed measure, and on that principle, this being a commercial question should be settled by commercial men. As to the official assignee the best plan would be to leave the creditors free, and let them decide on the spot. If the official assignee were the best man, he would probably be chosen, but at any rate those who were interested in the estate should have the option. In Ireland they had found it an advantage to raise the position of the Court; they had now judges instead of commissioners, and bankruptcy and insolvency were administered in one tribunal. He had long regretted that England, Scotland, and Ireland had separate systems of commercial law, and he trusted that this would not long continue.

The resolution was carried unanimously.*

LAW OF COLLISIONS AT SEA.

IN the discussion on Mr. Danson's Paper printed at p. 216,

Mr. NORWOOD, of the Hull Chamber of Commerce, said that as a shipowner, he was deeply interested in the question. He wished to know whether the limited liability established by the laws of other maritime countries extended to English vessels. [Mr. Danson said it was impossible to answer that question; it was a matter for conjecture; but there was little doubt that in America the precedent of Vice-Chancellor Wood's decision would be followed.] Without some limitation small vessels could not safely put to sea, and it must be remembered, that for one great vessel there were five hundred small vessels, whose owners it was the public policy to encourage. It would be most important in some mode or other to assimilate the laws of all civilized countries on this head.

The RIGHT HON. J. NAPIER (from the chair), thought this question should be referred to the Mercantile Legislation Committee. As a lawyer he approved of Vice-Chancellor Wood's decision, but he

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* On the 22nd November last, the Mercantile Legislation Committee met at the office of the Association in London, and then proceeded, in accordance with a resolution passed by them at Bradford, to wait upon Lord Palmerston, to urge on the Government the necessity for immediate legislation on the subject of bankruptcy, in accordance with the principles of Lord John Russell's Bill. The deputation was accompanied by a number of members of Parliament, and consisted of delegates from the Chambers of Commerce of Birmingham, Bradford, Bristol, Coventry, Edinburgh, Huddersfield, Hull, Leeds, Leith, Liverpool, Sheffield, Southampton, and Worcester; and the Trade Protection Societies of Leicestershire and the West Riding of Yorkshire. Mr. Samuel Morley was present on behalf of a large number of London merchants. Sir John Ramsden having introduced the deputation, and Mr. Hastings and Mr. Morley having stated the views of the mercantile bodies represented, Lord Palmerston and the Attorney-General (Sir Richard Bethell) pledged the Government to the introduction, in the next session, of a Bankruptcy Bill, framed to meet the wishes of the mercantile community.

thought that it was now desirable to effect by treaty with foreign countries an international law on the subject.

FRAUDULENT IMITATION OF TRADE MARKS.

In the discussion on Mr. Ryland's paper printed at p. 229,

Mr. Daniel, Q.C., observed that a remedial law should not be limited to punishing the imitation of trade marks. In Farina *v.* Silverlock, the defendant was a printer supplying to others the means for committing fraud, and he deserved punishment equally with the fraudulent seller. He believed that the offence under consideration was indictable, as a cheat, at common law, and he quoted Queen *v.* Smith in the Court of Criminal Appeal. He hoped that another dishonest practice, that of warranting lengths and weights untruly, might be provided for in any alteration of the law.*

Mr. Bartlett, needle manufacturer of Redditch, said that he had

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* Since the Bradford meeting the following letter has been addressed by Mr. Ryland to the *Solicitors' Journal:*

In the paper which I read at the meeting of the National Association for the Promotion of Social Science at Bradford, I ventured to doubt the correctness of the proposition implied in an address by Sir Richard Bethell to the Society of Arts, that the fraudulent imitation of tradesmen's names or marks on goods offered for sale was not indictable at common law. In the discussion which followed the paper, Mr. Daniel, Q.C., said, that in the case of Reg. *v.* Smith, the judges had intimated their opinion that such offence was indictable. Since the meeting I have referred to this case, and was thus led to another recent case, which is of great importance to all interested in the question. It appears to me to settle the point more conclusively than the case first mentioned, and being desirous of directing the attention of attorneys to this mode of proceeding, as likely to be more efficacious in checking the disgraceful practice of counterfeiting trade marks, than by injunction or action at law, I crave a space in your columns for a notice of the case. I refer to Regina *v.* Closs (27 L. J., M. C. 54). The prisoner, a picture-dealer, had sold a copy of a painting by Linnell as an original; and on the copy the name, J. Linnell, was painted in the corner, in imitation of the name on the original picture. He was tried at the Central Criminal Court, on an indictment containing three counts: the first, for obtaining money under false pretences; the second, for a cheat at common law; and the third, for a cheat at common law by means of a forgery. On the first count he was acquitted, on the second and third he was found guilty, but judgment was respited, in order that the opinion of the Court of Criminal Appeal might be taken whether the second and third counts sufficiently showed an offence at common law. The conviction was quashed, because, as to the third count, there was no forgery; and as to the second, for the reason appearing in the following quotation from Chief Justice Cockburn's judgment:—'As to the second count, we have carefully examined the authorities, and the result is, that we think that if a person, in the course of his trade, openly and publicly carried on, put a false mark or token upon an article, so as to pass it off as a genuine one, when, in fact, it is only a spurious one, and the article is sold and money obtained by means of that false mark or token, that will be a cheat at common law. As, for instance, if a man sold a gun with the mark of a particular manufacturer upon it, so as to make it appear to be the genuine production of the manufacturer, that would be a false mark or token, and the party would be guilty of a cheat, and, therefore, liable to punishment, if the indictment were fairly framed so as to meet the case; and, therefore, upon the second count of this indictment, the prisoner would have been liable to be convicted if that count had been properly framed. But we think the count is insufficient; because although it sets out the false token, it does not sufficiently show that it was by means of that false token that the prisoner was enabled to sell the picture.'

suffered largely from the imitation of his trade mark on the Continent, particularly in France, where from three to five millions of needles of inferior character were introduced from Germany, and as they could scarcely be detected from the genuine article, the reputation of his firm suffered.

Mr. THOMAS WEBSTER had no doubt that any fraudulent imitation of a mark was indictable at common law, but in his opinion the true remedy for the frauds complained of, was to give a copyright in trade marks. He advised mercantile men to unite in obtaining an Act for this purpose, rather than any criminal enactment.

Mr. JACKSON, master cutler of Sheffield, said the Chamber of Commerce of Sheffield had applied to the Board of Trade, and that the late Attorney-General, Sir F. Kelly, had promised to prepare a Bill enabling the Crown to enter into treaties with foreign Governments; for the real want was a ready access to foreign tribunals, and Chambers of Commerce should unite to obtain conventions with other countries. The rule in Prussia was to put English names on their manufactures; the only exceptions being in the case of their best articles. In Sheffield there is a system of registration carried out by the Cutlers' Company, who have summary powers in the town and within six miles of it.

The RIGHT HON. J. NAPIER (from the chair), observed that things were in a convenient state for action on the subject, as the Attorney-General, both of the late and of the present Governments was in favour of an amendment of the law. The common law on the subject was rather misty,—much like that part of it which related to fraud by trustees before the passing of the 'Fraudulent Trustee Act.' He thought the present subject should be dealt with in the same way; or, better still, that some provision should be introduced into the Bills that had been prepared for the consolidation of the criminal law.

INCORPORATION OF CHAMBERS OF COMMERCE.

Mr. JOHN DARLINGTON, in his paper on this subject,* gave an account of the formation of the Bradford Chamber, and the services it had rendered to the mercantile interests of the town. It had been instrumental in obtaining a more satisfactory adjustment of the postal arrangements, and had assisted in procuring the abolition of the soap duties, which pressed heavily on the worsted trade. It took a share in the representations which induced the Dutch Government to place our exports to Holland on a favourable footing. It sent a deputation to the Paris Exhibition in 1855, who reported on the wools, machinery, warp and weft, woven and dyed fabrics, there exhibited, directing attention to new sources of supply of the raw material, and to the improvement in the manner of working it. In the ten years of its existence it had been the means of obtaining for the district greater benefits than could have been attained in twenty years with-

* See Mr. Darlington's former paper on this subject, Transactions, 1858, p. 151.

out its interference, and he considered that it could accomplish much more as a permanent institution, and that its incorporation would enable it to approach Government, in matters bearing on the trade and commerce of the district, with greater authority and convenience.

In the discussion considerable difference of opinion was expressed.

Mr. COWAN and Mr. MITCHELL, both of the Edinburgh Chamber of Commerce, supported Mr. Darlington's views, and stated that their Chamber had derived great advantage from the grant to them, many years ago, of a royal charter.

Mr. S. S. LLOYD, of the Birmingham Chamber of Commerce, was opposed to incorporation. At present a Chamber depended for its influence on its own numbers and energy; if incorporated, it might dwindle almost to nothing, and yet continue to speak the voice of a community it had ceased to represent.

THE PROVINCE OF LEGISLATION.

Mr. J. CAMPBELL SMITH read a paper on this subject, in which he laid down the principle, that to obtain the maximum of public good, with the minimum of interference with private will, was the highest end of government. But the discovery of what constituted the public good formed part of the problem, and that had been differently determined in different ages and by different nations. The legislative idea generally acted on in this country as most likely to produce the maximum of public good, was to leave each individual to seek his own good by all means not dishonest and prejudicial to his neighbours. The tendency in our justly-lauded constitution was to have no government at all. The honest man never came into contact with the laws. His life was the same as if they did not exist. It was only to enforce just and to silence unjust claims that law and lawyers need exist at all. Mr. Smith gave some curious examples of legislative interference, before the principle he starts with was fully established. In touching on the sanitary and educational legislation of the present day, Mr. Smith showed on what grounds a certain amount of interference with individual liberty was justifiable, to secure the public health and well being. He concluded by saying, 'I close, asking the question, instead of answering it, What are the limits of legislation? It is plain that it is impossible to fix or even indicate them except provisionally. A few elements, a few national principles that ought to go to determine them, are all that can be stated. Like fashions in dress, in drinking, in eating, in travelling, in amusements, in manners, in customs, in religion, they will vary from age to age. They will vary with race, with climate, with advancing science; and they will fluctuate from gross license to gross compulsion, under the tread of pestilence, famine, and war. No human sagacity can foresee what they may be any more than the harvests, the sunshine, the storms, the individual destinies of the next hundred years, and folly alone will attempt with precision to predict them; blind and rash enthusiasm alone will venture to settle the details of duty for the rational freemen or the irrational fanatics to be born in the centuries to come, with

needs, whims, impulses, convictions, aspirations of their own, urging them against the barriers of past ideas until these relax or burst.'

THE LAW OF COPYRIGHT AND PATENT.

The paper of Mr. Webster on this subject will be found at page 237, and that of Mr. Clay at page 244.

Mr. A. V. NEWTON contributed a paper 'On the Defects of Certain Provisions of the Patent Law Amendment Act, with Suggestions for their Removal.' After showing the working of the Patent Act of 1852 to have been on the whole satisfactory, Mr. Newton pointed out the hardships arising to patentees from the obligation to get their patents stamped at the end of three and of seven years, with a 50*l.*, and, at the latter term, with a 100*l.* stamp, and to produce the stamped deed before the expiration of the three years and seven years respectively at the office of the commissioners:—1st, Patentees have duly stamped their patents with the proper stamp, but have neglected to produce the instrument at the office; 2nd, they have offered payment of the tax within the prescribed period, without being able to present the patent to be stamped, that being, perhaps, at the time in another hemisphere. Mr. Newton has drawn up a short Bill to remedy this defect, by allowing neglected payments to be made within a certain specified period, so that neglect, accident, or misadventure may no longer at once deprive a man of any patent which he is anxious to keep in force.

Mr. ROBERTON BLAINE read a paper 'On International Copyright Property in Works of Literature and the Fine Arts,' giving an account of the present condition of our copyright laws, and comparing them somewhat unfavourably with those of other countries. The resolutions of a conference held at Brussels in 1858, embody the principles which he urged as those which ought to guide the further amendment of the copyright laws of England. The resolutions are as follows:—

'1. The congress considers that the principle of an international recognition of property in works of literature and art in favour of their authors ought to take a place in the legislation of all civilized nations.

'2. This principle ought to be admitted from country to country, even in the absence of reciprocity.

'3. Foreign authors ought to be placed upon exactly the same footing as native authors.

'4. There is no reason for requiring foreign authors to conform to particular formalities, in order to be qualified to claim the right of property. In order to obtain that right, it ought to be sufficient that they should have complied with the formalities required by the law of the country where the original publication first appeared.

'5. It is desirable that all countries should adopt, for property in works of literature and art, a legislation resting upon a uniform basis.'

After some discussion it was moved by Mr. Webster, and seconded by Mr. Macfie:—

That the Council be requested to appoint a Committee to consider the question of improvements in the law of patents, and to co-operate with the Committee of the British Association for the same object.*

SCIENTIFIC EVIDENCE IN COURTS OF LAW.

Dr. LETHEBY presented a paper 'On the Application of Science to the Discovery of Crime and the Administration of Justice,' in which he brought forward the figures of the Registrar-General to prove how little is done for the scientific investigation of sudden deaths. Out of 68,554 violent deaths inquired into during the five years from 1852 to 1856, there were 21,595 imperfectly recorded; and if to these be added 18,488 'sudden deaths,' which were so returned during that time, and 3742 deaths from *gastritis* (a disease which rarely, if ever, arises from natural causes), there is a total of 43,825 deaths not satisfactorily accounted for. Of the 2007 deaths from poison investigated in those years, 634 were not specified as to the poison: and of the 12,850 set down to drowning, 11,758 are merely recorded as 'found drowned.' Lastly, there are 195 cases of suicide, 182 murder, 257 manslaughter, 2402 of accident, 1684 of injury, and 608 of infanticide, in which the actual cause of death is not specified. Dr. Letheby suggested that there should be a responsible officer to decide, in the first place, when an inquest is necessary; for this at present rests with the coroner's constable, who often finds it as advantageous to suppress a needful inquiry, as he does to provoke one that is unnecessary. The coroner should be assisted in the investigation by an officer who is well acquainted with medico-legal science, and who should be present throughout every stage of the proceedings. Any analysis should be conducted by those who are especially skilled in such examinations. A part only of the materials should be operated upon at a time, and the rest should be kept for future investigation. Again, the chemical inquiry should be conducted in the presence of an authorized officer, and if required, in the presence of a person nominated by the accused. In cases of doubt or dispute, the further analysis of the suspected matters should be conducted by an officer appointed by the Crown; and the results of all scientific investigations should invariably be laid before the judge and the jury in the form of a written report, the language and conclusions of which have been well considered. And, lastly, instead of submitting the scientific expert or witness to the cross-examination of a skilful advocate, he should merely be required to answer the questions put to him by the judge or jury. Some such a reform as this in the scientific part of a criminal procedure, would not only be the means of furthering the ends of justice, but it would also secure the proper assistance of science in the discovery of crime, and would raise it to that position which it ought to occupy in a court of justice.

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* A Special Committee on this subject was accordingly appointed by the Council on the 22nd of November last.

EDUCATION.

UPPER AND MIDDLE CLASS EDUCATION.

Facts as to the Extent to which the Principle of Competition is at present applied to Appointments in the Civil Service. By HORACE MANN.

IT was not originally my intention to offer anything upon this topic at the present meeting of the Association, but, seeing that the subject had been set down for consideration, it occurred to me, a few days before the expiration of the time for sending in Papers, that a short statement, making known the precise position of the question at the latest time, would probably be useful to those who might wish to take part in the discussion.

From the Fourth Report of the Civil Service Commissioners we learn that, in the year 1858, there were 230 situations for which competitions were held; the number of competitors examined being 647. The number of situations filled up *without competition*, during the same period, was 962, of which number 225 were occupied by permanent clerks, or officers of equal rank, 123 by temporary clerks, 111 by excise officers, 133 by tide-waiters and weighers, 362 by letter-carriers and similar post-office officials, and 8 by office-keepers and messengers. I must leave the meeting to form its own views as to how far these 962 situations are suitable for public competition, expressing only my own continued adherence to the convictions uttered on former occasions, that such competition is even more applicable to the lower than to the higher situations in the Civil Service—that the Civil Service Commissioners would have no difficulty in so adapting their tests as to ensure the selection of the most capable officers—and that it is only by applying the principle of competition to the offices for which persons in the humbler conditions of life become candidates that this instrumentality can be expected to produce any considerable effect upon the promotion of *popular* education throughout the country.

The figures in the Commissioners' last Report show a certain amount of progress; as the number of clerkships competed for, in 1858, was as many as 230 against only 82 in the previous year; while the number of nominations to clerkships, &c., *without competition*, was reduced from 563 to 335.

It may be assumed now that competition for permanent clerkships prevails, as the general rule, in the following departments:—

The offices of all the Secretaries of State; the Treasury; Audit-Office; Board of Trade; Civil Service Commission; Customs (as to London clerkships, and with sundry exceptions); Education Office (though in 1858 the only two appointments made were without competition); Inland Revenue; Paymaster-General's Office; Poor-Law Board; Post Office (as to London clerkships); Registrar-General's Office; Office of Works; Office of Woods; and all the departments in Ireland under the immediate control of the Lord-Lieutenant. Competition, I have said, prevails in these departments as a *general rule;* by which it must be understood that exceptions are not infrequent, where it may be thought convenient to give to a particular person a solitary nomination. And in some cases the exceptions (if they can then be called so) are so frequent as to overpower the rule; as in the Admiralty, where 12 situations were offered to competition, and 18 disposed of otherwise.

In the following departments the principle of competition has not yet been practically recognised:—

Court of Admiralty; Charity Commission; Emigration-Office; House of Commons; Customs (with respect to provincial clerks, and all below the rank of clerks); Lunacy Commission; Post-Office (as to provincial clerks and all below the rank of clerks); Convict Service; Department of Science and Art; Inland Revenue (as to excise officers); and several departments in Ireland and Scotland. Nor has it in any department been applied to situations below the class of clerkships.

It must not, however, be imagined that the competitions referred to are anything like *open* competitions. With the solitary exception of a competition for a clerkship in the office of the Civil Service Commissioners, when twenty-two candidates contended for one vacancy, the proportion of competitors to prizes did not average three; the aggregate numbers being 229 situations and 625 examined candidates. Nor must it be supposed that admission to these competitions is to be obtained in any other way than by the ancient method of soliciting nominations from the Treasury or the heads of the large departments. The principle of patronage has not been at all affected by the changes referred to: it has merely obtained a larger field for its exercise. It may perhaps be as well that this fact should be extensively made known, as it may save some useless trouble to many persons anxious to enter the Civil Service by an unobjectionable road.

The desirableness of a larger number of competitors is discussed by the Commissioners in their last Report, where—referring to the fact that more than half of the 647 competitors failed to attain even the standard of minimum efficiency—they say:—

'The practical conclusion which we are disposed to draw from this unfavourable state of the proportion of competent to incompetent candidates is, that the number of candidates should be increased so as

to bear a larger proportion to the vacancies, and that three to one, the present proportion, is insufficient.'

As this proportion, however, of three to one has not been exceeded in the most recent competitions, we may conclude either that this recommendation of the Commissioners has not been approved, or that there exists with the Government a difficulty of obtaining an adequate supply of nominees. The latter explanation is somewhat favoured by the statements, which have frequently of late been made, that Members of Parliament regard the exercise of their patronage in this way as nothing else than a nuisance, from which they would gladly be delivered. That the difficulty does not arise from any actual dearth of willing candidates is proved by the experience of the only *open* competition for the Home Service which has yet been held; viz., a competition held in January last, by direction of Lord Stanley, for eight supplementary clerkships in the India Office, when 391 persons offered themselves as candidates, of whom 339 were actually examined. From this fact the Commissioners draw the following conclusion—

'That there is an ample supply of persons, within reasonable limits of age, willing to enter the public service as clerks, for a very moderate remuneration, who possess intelligence and industry, and more than sufficient acquirements for the duties which they would be called upon to perform.'

The progress, therefore, made since 1857, consists rather in the wider application of a very imperfect plan of limited competition than in any more complete recognition of the principle of competition as understood by its advocates and the public, and as sanctioned by the House of Commons. The only competitions for which there has been virtually no limit to the number of applicants of good character are those which have been instituted by the Civil Service Commissioners for their own office, and that directed by Lord Stanley for the eight writerships in the India House. For all the other competitions nominations are essential—these nominations must be obtained, by some means or other, from the Government—and the number of competitors for each situation is limited to three.

It should be mentioned that the late Government, though adhering to the arbitrary proportion of three candidates to a vacancy, which had been originated by their predecessors, introduced an important improvement by combining, as prizes for a single competition, several situations in different offices; thus obviating one of the unsatisfactory results of the separate small competitions, viz., the appointment sometimes of an inferior man, who might get the first place in a contest with still weaker opponents, while a much superior man might obtain only the second place in another small competition in consequence of being grouped with very strong antagonists. This salutary change also met a not unreasonable objection, noticed by Earl Grey, against these small competitions between a few selected candidates, viz., that the patrons having the power of selection might purposely nominate weak candidates to contend against the real favourite. The improvement, however, could only be acted upon with reference

to the offices under the control of the Treasury: in most of the other departments where competition is admitted, there has been no advance upon the plan of two or three competitors selected by the head of the department.

The foregoing remarks refer exclusively to the Home Civil Service. It is probably known to many that the responsible and lucrative appointments in the Civil Service of India are, by Act of Parliament, to be filled by means of competitions open to all natural-born subjects of the Crown, under such limitations as to age, &c., as may be prescribed in regulations to be made by the Secretary of State in Council, with the advice of the Civil Service Commissioners. There have been five annual competitions held for these appointments; three under the direction of the late India Board, and two under the management of the Civil Service Commissioners. At the last, which was held in July of this year, there were 119 competitors examined for 40 vacancies. This number of candidates, although large, considering the severity of the examination, is yet not so large as might be expected from the value of the prizes to be gained. It seems not unlikely, therefore, that the public is not yet adequately informed either of the fact of the entire openness of the competitions for this service, or of the greatness of the career thus offered to young men as the reward of talents and industry. The value in money of the appointments may (if allowance be made for threatened reductions) be estimated from the following statement, referring to the Presidency of Bengal in 1857:—

			£
134	officers had an average of	. . .	606
85	" "	. . .	1313
122	" "	. . .	2751
28	" "	. . .	3486
20	" "	. . .	4665
3	" "	. . .	5207
392			£18,028

The rates in the other Presidencies are not materially different.

It will be evident that the competitions for this service will act upon the most advanced of our educational establishments; and already very important results are being realized, especially in the universities and colleges of Scotland and Ireland.

Returning to the Home Service, it may be convenient to present a short recapitulation.

Certificates were granted in 1858 to 1154 persons, of whom 417 were appointed to permanent clerkships, or to equivalent or superior situations. [We may, therefore, conclude that the annual average number of such vacancies will range between 400 and 450.] Of these 417 persons appointed, 192 were appointed after limited competitions of somewhat less than three competitors for each vacancy. In the remaining 225 there were, doubtless, some whose previous good service justified their unconditional advancement, and some to whom the plan of competition was scarcely applicable; but to the great

majority it was probably just as applicable as to those to whom it was actually applied. As to the permanent superior situations, therefore, we may say that the plan of competition is at present adopted (in a restricted shape) with respect to about half the annual appointments of this class.

Between permanent clerkships and the inferior out-door situations, there is an intermediate class, consisting of temporary clerks and excise officers. There were 123 temporary clerks and 111 excise officers certificated in 1858. None of these were selected by competition. For *excise officers* such a mode of selection is not in the least degree less suitable than for permanent clerks, as they ought to be young men of scarcely inferior intelligence, and possessing just those acquirements which are well tested by examination. More doubt may exist with respect to *temporary clerks;* but, under a system which, I venture to think, might be advantageously established, of employing for mere mechanical work the low-priced labour of boys instead of the high-priced labour of men, the Government might both effect a large saving of expenditure, and, also, by selecting such boys, by means of competition, from the elder scholars of day and evening schools, afford a legitimate kind of assistance to the spread of popular education.

The inferior situations are those of tide-waiters and weighers, of whom 133 were appointed in 1838, and letter-carriers, &c., of whom 362 were certificated in the same year. There were also 8 persons appointed as messengers, making the annual number of vacancies in the whole class of inferior situations about 500.* All the occupants of these vacancies are at present appointed by nomination, without any sort of competition.

The summary, therefore, is that, out of 1154 situations filled up in 1858, there were 192 filled up by limited competition, and 962 by simple nomination.

As there seems to be no reason for supposing that the statistics of the present year will materially differ from those of 1858, the result appears to be that the competitive system has made no noticeable progress in recent years.

In considering its prospects, however, we can scarcely avoid including amongst the reasons for some little hope as to the future, the fact that the present Government contains several eminent statesmen who have frequently, in other positions, pronounced themselves strongly in favour of the more extended operation of the principle. We may therefore speculate on the possibility that these statesmen may, perhaps, after a sufficient lapse of time, avail themselves of the power which they now possess of carrying their views upon this subject into practical effect.

It forms no part of my present task to say anything as to the merits of competition itself. The controversy, indeed, has been tole-

* It will in future years be larger, in consequence of the extension of examinations to rural messengers in the Post Office.

rably exhausted; and the true question now stands pretty clear of all the real and imputed extravagancies of its advocates and opponents. Few persons now really believe that the friends of competition rely upon it as an *infallible* test of official aptitude, or as anything more than the best available test; nor are there many persons who really believe that such an infallible guarantee is secured when the Secretary to the Treasury appoints an unknown youth, on the mere recommendation of a political friend to whom he is equally unknown. It is pretty generally seen that the object and effect of competition must be (while abolishing all the manifold evils of political patronage) to ensure a constant supply of young men of good abilities and good character, and thus to give to the heads of departments a more promising field of selection whenever the necessity arises for promoting to important and peculiar duties.

The only question, therefore, now is as to the extent to which the plan, thus generally appreciated, should be adopted, and the rate at which we should proceed in the work; and my sole object in this paper has been to supply correct and recent intelligence as to what has hitherto been accomplished, in the hope that such information, by preventing sundry mistakes and misconceptions, which otherwise might probably prevail, may be of some service to those who desire to mingle in the discussion which may arise upon the subject.

On Competitive Examinations for the Civil Service. By Sir Stafford H. Northcote, Bart., M.P.

The system of competitive examinations for appointments in the Civil Service claims the public attention, and challenges public scrutiny, for two distinct reasons, and from two distinct points of view. First, it is to be regarded in reference to its merits as a mode of providing proper persons for the service of the country; and secondly, it is also to be regarded in reference to its bearing upon the education of our youth. Under both aspects it is suggestive of important considerations; and although it must always be remembered that the provision of good public servants is the primary object, with which the secondary object, that of encouraging and directing education, must on no account be allowed to interfere, still, if the two questions are carefully inquired into, it will be found that, though distinct, they are not separable, and that justice cannot be done to the one object unless it be also done to the other.

Thus, if it be said that for the public service we require men of good sense, industry, and aptness, rather than young prodigies of book learning, with heads crammed with a large amount of useless knowledge; and that a system of examinations is detrimental because it brings forward the latter class rather than the former; it may be replied, that the object of a well-directed education is the

development precisely of those qualities, whether intellectual or moral, which are necessary to enable a man properly to discharge the duties of life, and that the encouragement of what is called 'cramming' is as fatal to a sound education as the promotion of 'crammed' men would be injurious to the public service. In point of fact, the injury which might be done to the latter by the introduction into its ranks of a certain number of such men is far less serious than the injury that would be done to the cause of education, and to the whole rising generation, by the encouragement of a vicious system of treating boys like race-horses, and of training them, not for general use, but to run for particular prizes. Although, therefore, there has existed, and still exists, in the minds of many public men a dislike of the system of competitive examinations as a method of recruiting the ranks of the Civil Service, which dislike is founded on a distrust of what they call the theories of the education-mongers, there is no real antagonism between the friends of education and themselves; but, on the contrary, a good understanding between them would greatly promote the objects of both.

The case admits of being stated in a few words. Education consists in the preparation of a man for the work he has to do. Every one must admit that it is desirable that the candidates for the public service should have been properly prepared for the work which they are to undertake. In order to ascertain whether they have been so prepared, some test is necessary. This test is to be found in a properly devised examination, by means of which we ought to be able to discover what a man has learnt, how he has learnt it, and how he can apply his knowledge. If we do not apply this test properly, we undoubtedly run the risk of missing what we want, and getting what we do not want; so that the unskilful use of the examination system might fill the ranks of the public service with men who were not fitted for its duties. But the same argument may be used to show that an unskilful use of this test is quite as detrimental to the interests of education itself as it can be to the interests of the public service. For the educator applies the test of examination in order to satisfy himself that the pupil has received a good education and has profited by it. If, then, he applies the test unskilfully, he fails to discover the truth, and is liable to delude himself into the belief, either that the education was good when it was not good, or that the pupil has profited by it when he has not profited by it; either of which mistakes is fatal to his usefulness as an educator. There is, therefore, no antagonism in this matter between the interests of the public service and those of education; nor can the former be sacrificed for the advantage of, nor even without serious prejudice to, the latter. On the other hand, the twofold application of the system of examination, as a test of what a young man has learnt, and also as a test of what he is fit for, has a great practical value on account of the light which it throws upon the results of any system of education, and upon the work of the educator. For an educator who merely tests the results of his work by a standard of his own may easily deceive himself, and mistake his highly-bur-

nished copper for fine gold; but when he has to submit his work to tests devised by others, its intrinsic value is likely to be discovered; more especially if those to whom it is submitted are intent upon discovering, not how the educator has done his work, but how the article he has produced will suit their purpose.

Hence it becomes evident that it is of paramount importance, in any inquiry into the advantages of the examination system, to ascertain whether the examination test is rightly and skilfully applied, since any failure in this respect must be productive of most mischievous consequences on both sides. Let us then consider for a moment what we expect to be able to do by means of such a test, so that we may not fall into the error of looking for too much, or of neglecting the other means which we must take to secure the objects which we cannot attain by this.

The objects with a view to which the system of competitive examinations for the Civil Service were originally recommended were, to insure a supply of young men of sufficient attainments, and to put an end to the evils of the system of patronage. The recommendation formed part of a scheme for the improvement of the Civil Service, of which the three leading features were, (1) a careful selection of recruits, (2) the separation of mechanical from intellectual labour in the public offices, and (3) promotion by merit. The whole scheme hung together, and it cannot properly be carried into effect in any one of its parts unless effect be given to it as a whole. The attempt to do so may end not only in disappointment but in positive mischief. Take, for instance, this point of competitive examinations, and imagine a system of such examinations to have been fully developed and adopted as the only mode of admission into the public service, while at the same time nothing had been done either towards the proper division of employment, or towards promotion by merit. There would be a manifest absurdity in inviting the flower of our youth to enter into an exciting struggle, involving the necessity of long and expensive training in the highest branches of human knowledge, and in then rewarding the best mathematician, classical scholar, linguist, historian, and philosopher, not with a wreath of ivy or a crown of laurel, but with a clerkship of 80*l.* a-year, with the prospect of copying, folding, and sealing up despatches, and registering official documents, for an indefinite length of time, the duration of which, as well as the gradual increase of his salary, must depend, not upon his own exertions, or the fitness he might show for higher duties, but upon the slow wearing out of the body of seniors who stand above him. By such a process the best man would probably be turned into a dull plodder, or a careless and discontented grumbler. It is indeed far more hopeful, as well as far more satisfactory, to make a man of ordinary attainments into a good public servant by employing him wisely, than to seek out men of the highest attainments and to spoil them by employing them unwisely.

The Civil Service, then, cannot be regenerated by competitive examinations alone, since those examinations can at best but supply

men of certain attainments and qualifications, and cannot insure their proper employment afterwards. But further than this, we must bear in mind that, until some measures for the right division of employment have been taken, it is impossible for the system of examinations to have fair play even within its own sphere, on account of the great difficulty which must be found in fixing the standard in the first instance, and in applying the system of probation, which is the necessary complement of the admission by open examination, afterwards.

For after all, under the most favourable state of circumstances, and with the best possible examinations, there are only certain things that we can ascertain by them, and there are certain other material points which must be got at in another manner. We can test a young man's intellectual powers, but not his moral qualities; which are, however, of quite as much importance for the purpose we have in view as the former. Success in a well-conducted examination may undoubtedly afford some presumptive evidence of past application, and therefore of probable future industry and docility; but, in order to arrive at any certain conclusion as to a young man's fitness for official work, it is important that he should actually make trial of it, and that his superiors should have a fair opportunity of forming their opinion of him by seeing him in action. This can only be done by means of a period of probation, to be passed in the office by the candidate who has been successful in an examination, before he is actually appointed to a situation. But to make this probation effectual and fair, it is necessary that the probationer should be employed upon work of the same kind as that which is ultimately to be assigned to him; and this necessity involves that of a proper division of the work of the office as a condition precedent to the fair working of a system of probation.

This, however, is not the only bearing which the division of official work has upon the system of competitive examinations. If the work of an office is to be divided, and the mechanical portion of it separated from the intellectual, the examinations by which candidates are to be tested, and according to the results of which the appointments are to be made, must be so arranged as to fit in well with the division. The principle of a competitive examination is, to take the best candidate who presents himself, provided only that he does not fall short of the minimum of what is required; but in conducting such examinations, with a view to supplying men to perform the mechanical part of office work alone, it is necessary not only to prescribe a minimum below which they must not fall, but also a maximum beyond which the examination must not extend. If attention is not paid to this, the principle of the separation of work is at an end, or at all events is greatly endangered. Supposing that a certain description of work can be well performed by men who have received what is called a good commercial, as distinguished from a liberal, education; and that the latter is not in the least necessary for the purpose; it follows that the examinations, by means of which candidates are to be selected, ought not only to be so conducted as that a young man with a good commercial education should be able to attain the mini-

mum of what is required; but that he should also be able to attain the maximum; and should not run the risk of being defeated by a candidate who is but his equal, or perhaps his inferior, in what is essential, but who has the advantage over him in what is not essential. It may appear paradoxical to say that a candidate who is willing to undertake laborious routine work, to accept a low rate of salary, and to content himself with very moderate prospects of advancement, should be discouraged from doing so on the ground that he is too good for the place; and it may be said that that is a matter for his own consideration, and that the public can only be a gainer by accepting his services if offered on such favourable terms: the truth, however, is, that the man, though willing to accept those terms at the outset, is not likely to remain satisfied with them in the end; and after a time he will either press for and obtain advancement beyond the terms of his bargain, or will become discontented and inefficient, —impairing in either case the principle upon which the division of labour is founded.

This is not an imaginary case: it is found to be one of frequent occurrence in the present system of mixed competition and nomination. A class of supplementary clerks, as they are called, has been established in several public offices. The duties assigned to these men are such as copying, registering, making calculations, posting statistics, and so forth. Moderate salaries are given, and the prospects of advancement are proportionally moderate also. Men of ordinary abilities, small pretensions, and limited acquirements, are able to perform these duties quite as well, and even better, than those who are qualified for the higher posts; and the inducements held out are quite sufficient to make them willing to accept and to retain the appointment. The arrangement, therefore, promises well both for the individuals and the public. But it is found that these situations, though the remuneration and the prospects are moderate, and the work is dull, are sought by young gentlemen of liberal education and good social connexions, who are, or ought to be, fit for a higher class of work, but are unable to obtain it. Under the present mixed system of patronage and competition, these young gentlemen have in several instances obtained nominations, and have been appointed to supplementary clerkships. It appears probable that the very fact of having an examination to pass, and a prize to win, acts as an inducement to some to offer themselves as candidates for appointments which they would otherwise feel to be rather beneath them. However this may be, they take the appointments, and for a time are satisfied; but this cannot last; routine work becomes tiresome to a man who feels himself fit for something higher; he finds, too, that his salary is no longer sufficient for his increasing wants, and that it does not enable him to maintain himself on an equality with others who are of the same social rank as himself; he presses for advancement, and, if he has merit, it is not easy to refuse it him. If he is advanced, his success encourages others to follow his career; and thus the supplementary class is converted into a mere stepping-stone to the higher official positions, and

thereupon is in danger of becoming completely disorganized. Instead of being filled with men who look to nothing beyond it, and whose whole energies are directed to doing well the work which has been assigned to them, it begins to number in its ranks men who look down both upon their work and upon their colleagues, and who are at the same time really less efficient as mechanics than those whom they regard as their inferiors. This cannot but lead to discontent and evils of various kinds, upon which it is unnecessary here to dwell. It is more important to consider the remedies which should be applied.

By referring to the changes which have been introduced into the Civil Service within the last few years, we shall find that, while the principles of a better division of labour and of a selection of candidates by means of competitive examinations have been to some extent recognised, they have as yet been but imperfectly acted on. A class of supplementary clerks has been formed, but its position is far from being fully defined. Competitive examinations have been instituted, but they have only been open to a few selected candidates, nominated upon the old system of patronage. The time seems now to have arrived for a more decided advance.

The measures required are, first, a thorough organization of what, for the sake of brevity, may be called the supplementary service—that is to say, the body of men who are to be employed upon the business of routine, which constitutes two-thirds of the work of the public offices; and secondly, the entire abandonment of the patronage system, as far as that service is concerned, and the substitution for it of a system of either perfectly unrestricted competition, or, which would probably be much better, a competition among candidates recommended, on the principle suggested by Mr. Horace Mann, by persons connected with the education of the country, or holding recognised positions unconnected with party politics, and able to speak with personal knowledge of the characters of those whom they might thus nominate.

This is not the proper occasion for discussing at length the nature of the measures which are desirable with a view to the organization of the supplementary service. They should have for their object to make that service an united whole, into which young men should be admitted on an uniform footing, with the understanding that their services should be available at any time in any office whatever, according as the exigencies of the moment might require, and according as the qualifications of the individual might render him more suitable for one kind of work or another. The establishment of a distinct copying office, in connexion with which appointments might in the first instance be made, and to which men temporarily thrown out of employment in any particular department might return until fresh work was found for them, might probably form part of the arrangements to be made. The promotion and prospects of the men would of course in great measure depend upon the satisfaction they gave in the departments in which they were employed; but this promotion would be general and not departmental; and a broad line would be drawn between the office establishment and the supplementary clerks

employed under it. The latter would have their own prospects, which should be made sufficiently good to attract qualified men in the first instance, and to induce them to exert themselves afterwards; but they would be made clearly to understand that they would have no claim or right to look to appointments on the establishment of any office; nor ought they to be even eligible for such appointments, when once they have passed the age prescribed for general admission to them.

Some such organization as this having been given to the supplementary service, it would then be necessary to regulate the mode of admission to it. This should clearly be by way of open competitive examinations, admission to which should be made as easy as might be found possible, consistently with some security being taken for the characters of the candidates. As the appointments would not be made to any particular department, there would be no reason for giving the chiefs of departments the right—or, it should rather be said, the *exclusive* right—of nominating the candidates. They would have the amplest powers of rejecting any supplementary clerk who might, on being posted to their office, be found incompetent, and of requiring that another should be substituted for him; and the exercise of these powers would lead to a real and most salutary system of probation, which is at present exceedingly difficult of attainment; for the chief of a department, having no personal knowledge of, or interest in, a supplementary clerk, and being aware that his rejection in one department would not necessarily be fatal to his prospects, inasmuch as he might be found suitable in another, would not hesitate to make changes whenever the business of the office appeared to render them desirable, or to part with one or more clerks whenever they seemed to him to be inefficient. This would give real force to the system of probation; as a young man, who was found incompetent or objectionable in several offices in succession, would of course be dismissed from the service, while the odium of his rejection would not fall exclusively upon any single authority. The security which would thus be afforded against the appointment, or, at all events the retention, of improper persons, would be far greater than that which results from any system of nomination, and especially from a system of nomination on the ground of political partisanship; and it might perhaps be unnecessary to take any other precautions, or in any way to limit the right of all persons of the proper age to offer themselves as candidates at the periodical competitive examinations.

Some advantages might, however, be found in the adoption of Mr. Mann's suggestion, that every competitor should be nominated by some one who could speak to his character from personal knowledge, and who himself holds a position which would give weight to his testimony. In the paper read by him at the Educational Conference in 1857, Mr. Mann proposed that the right of nominating should be confided to various classes of persons, amongst whom he particularly specified the managers of our most popular day-schools. There is no doubt but that such an arrangement would give a powerful stimulus to the cause of education. There would, however, be some risk in giving too great a preponderance to educational considerations in this

matter. To say nothing of the prejudice which might thus be raised against the system, there would be some danger lest the masters and managers of schools should direct their attention too exclusively to obtaining success in these examinations, and should thus sacrifice the more important to the more showy branches of education. It would probably be better to confide the right of nomination to magistrates, clergy, and other ministers of religion, members of Parliament, members of the learned professions, heads of public offices, and so forth, requiring, at the same time, a certificate from those who have had the charge of the candidate's education. The great point would be, to make the candidature as easy and unrestricted as possible, taking security by means of the examinations that such only as are likely to be tolerably well suited to, and qualified for, the appointments to be filled, should present themselves. This would not be very difficult. Those who were much below the standard would soon become aware of their own deficiencies, and would not expose themselves to certain defeat. Those, on the other hand, who were unsuitable as being above the mark, would shun examinations where they would have to contend with men of education inferior to their own, by whom, nevertheless, they were likely to be beaten; and this would be the case if the examinations were so arranged as to give the man of liberal education little or no advantage in respect of attainments which were not essential to the discharge of the duties of the office to be filled. The nature of the examination would supply a self-acting test, which would to a great extent exclude improper candidates.

A word may perhaps be permitted on the nature of the questions to be set, and the exercises to be called for, at these examinations. An error is sometimes committed in putting a certain number of comparatively easy questions, which every one is expected to answer, and a few more difficult questions, which are intended to give what are called the superior men a chance of showing their superiority. It is against a few of these more difficult questions that any murmurs on the part of the opponents of the system are usually directed. They are unpopular, and it may be doubted whether they are very useful. The best questions and exercises would seem to be those which it is within every one's power to answer and to work more or less well, but which afford scope for considerable display of power, and thus give the best men the opportunity of showing their superiority, without throwing the inferior men out altogether.

There is, however, little occasion to criticise the details of examinations so ably directed as those which take place under the auspices of the Civil Service Commissioners. That truly valuable commission may safely be trusted to work out the principles upon which such a scheme as has now been shadowed forth might be brought to bear. The suggestions which have been made have had for their object to strengthen the hands of the commission, and to give a further impulse to the movement which they have so happily and so successfully conducted to its present point. The experience we have already had is very encouraging, and may stimulate us to further efforts.

On some Bearings that Existing Circumstances, and particularly the Period of Time available for Education respectively in different Classes, ought to have on our Educational Aims. By the REV. BARHAM ZINCKE, *Vicar of Wherstead, near Ipswich, and Chaplain in Ordinary to the Queen.*

THE exertions which have been made during the last forty years in the cause of elementary education have so far attained their object that there now remain very few localities without schools easily accessible to the children of the labouring classes. At all events, whatever localities may still be destitute of schools are strictly exceptional, and the number of them is certainly not so great as that of the localities in which there is a superabundance of school accommodation. Simultaneously, however, with this we hear complaints from every part of the country, as loud from Scotland as from England, from the towns as from the rural districts, that those for whom so much has been done appear to appreciate its advantages very inadequately. This is supposed to be demonstrated by the fact that it may be said to be the universal practice of parents to remove their children from school when about ten years old. The friends of education, though much surprised and disappointed, have not been discouraged by this unexpected difficulty, but have held conferences, and are attempting prize, registration, and other schemes, with the view of retaining the children longer at school.

It is curious that much the same state of feeling and practice is observable in the educated classes themselves as respects our highest education—that offered by our universities. The gentry, together with the monied and professional classes, have increased to numbers that a generation or two back might have been thought impossible. A very large proportion of the youth of these, *par excellence*, the educated classes, ought, one might suppose, to be found in our universities. They value education highly, and are ready to make the greatest sacrifices to secure the best education for their children. With the youth, therefore, of these classes our universities ought to be overflowing. We all know that the very reverse of this is the fact. I live in the neighbourhood of a strictly agricultural town, the capital of an agricultural county, but of its population, amounting now to more than 40,000 souls, I am not aware that a single individual, with the exception of the clergy, received a university education. Probably the educated classes of the enterprising manufacturing town in which we are now assembled show the same practical disregard of our universities. In fact, this disregard has now become so widespread, that if the bishops were to withdraw the rule they generally act upon in requiring from candidates for Holy Orders certificates which imply a university education, our universities would literally collapse from want of students. To this practice of the bishops, and to

the hope of obtaining a fellowship, not to the general desire of the educated classes to secure for their sons a university education, the ancient universities of this wealthy country at present owe their very existence as places of education. Every year the proportion of the members of the two Houses of Parliament, of the Bar, and of the gentry, that received a university education decreases. The fact is patent to all, that the universities have lost the hold they once had on the educated classes.

And now to come to the middle classes: something analogous to the two facts I have just noticed may be observed in the reception they also have given to the educational efforts made for the last twenty years on their behalf. Looking at these classes generally throughout the country, we are precluded from supposing that our efforts have been favourably received, or have had any direct results, because I take it for granted that the right conclusion to be drawn from what has been done in this matter in a few places here and there, is not that middle class education throughout the country can ever be constituted on the basis of the ideas that inspired those attempts, but rather that those attempts have supplied us with a demonstration that the middle classes will never generally support, and will never be educated in such schools. They are the exceptions that prove the rule. At all events, the state of things is this: there has been a great deal of discussion; a great many suggestions have been put forward; a great deal of advice has been given; some attempts at really doing something have been made; but all the while the great middle class, in whose behalf all this has been done, has made little response, or rather none at all.

These are the facts to which I invite the attention of our Association. I have no hesitation in doing so, because I believe that the consideration of them will throw much useful light both upon the present state of education in this country, and upon the direction which our future educational efforts ought to take.

I shall not occupy any time in showing that the cause of these facts is not to be looked for in some wrong estimate of the value of education itself. Emphatically, and as we all know, nothing of the kind can be found in the industrious poor, in the upper classes, or in the middle classes. All are ready, according to their means, to make whatever sacrifices the education of their children may require of them. As a matter of fact, they all alike make these sacrifices cheerfully. Indeed, as parents, they could hardly do otherwise. It may be convenient for us, as educationists, to use the words ignorance and apathy. These words appear to supply a ready solution of the difficulty. They transfer the whole of the blame or the error to the shoulders of others. If, however, the use of these words seemed to me to account for the facts before us, I should despair, for the present at least, of all our educational efforts; and I suppose that others would feel in the same way. But as I observe that no one abates a jot of hope, notwithstanding the frequent use of these ugly words, I conclude that we all alike regard the assertion involved in their use

as one that will not bear any serious inspection, and is thoroughly inadmissible.

We must remember that this question is not regarded by the parent and the educationist from one and the same point of view. Speaking broadly and roundly, the great question which parents have to settle for their children is, how their children may be enabled to provide themselves for their future subsistence. In the parent's mind every other question, that of education among the rest, is entirely subordinate to this. The question of subsistence is with them, necessarily and properly, so completely paramount to everything else, that education must not be allowed to interfere with it. To whatever degree education may be made to contribute to it, so far they will gladly go, but they cannot go one step further. Need I say that this is hardly the light in which educationists have as yet come to view the matter. The anxious, ever-present parental responsibility of having to provide the children they would educate with the power of securing their future subsistence, has not been the constant guide of their decisions. The object they have proposed to themselves has been different: it has been to educate, and generally to educate the children of classes in circumstances totally different from those of the class they themselves belong to. Perhaps, also, they may, unconsciously, be somewhat under the influence of the idea that education has no other meaning than that which would confine it to the kind of training and instruction they themselves received; whereas what the parents of some, perhaps in a degree of all, classes may require now for their children, may not be this precisely, not even some dilution or accommodation of it.

We must, also, remember that the parents and the educationists carry on the discussion in very different ways, I may say with very different weapons. The latter are in possession of the platform, the press, the school, and the university. The former leave their views to be inferred simply from what they accept and what they reject. There cannot, however, be any reasonable doubt as to which of these two parties will eventually be master of the field. The former are not disposed to say much, because they are at liberty to act as they please; and because they understand that what they require must be done in the end.

And now let us return to our facts. I take our elementary schools first. The question here is (and let us not be afraid to look it distinctly in the face) which of the two is in the right, the labourer who takes his child from school when ten years old, and sets him to work, or the educationist who would endeavour to detain the child at school some years longer? I will omit all consideration of the fact that the 2*s.* a week the child may now earn will be an addition of 20 per cent. to the wages of the agricultural labourer receiving 10*s.* a week—I will omit it, because though it has, and ought to have, much weight with the parents, I know it is not this that decides them. This is not the ground upon which their practice in this matter rests. The practice is too universal, as well among all the best and most self-sacrificing

parents, as among those who are too greedy of their children's earnings, to allow us to entertain a doubt upon the subject. What decides them is their personal knowledge of the training that will be necessary for those who through life will have, by their daily manual labour, to earn their daily bread, and that of the families that will be dependent on them; and who in securing that labour, however humble it may be, will have to sustain no inconsiderable competition. The parents of this class clearly perceive that those whose lives will be subject to such conditions must, as soon as their strength admits of it, be habituated to labour.

Take our agricultural labourers. I live among them, and, I believe, I know something of their virtues, which are neither few nor inconsiderable, and which they need not be ashamed to find compared with the virtues of any other class; nor am I blind to their deficiencies. I rejoice that schools are now generally accessible to them, and I rejoice to see them gladly availing themselves of these schools; but I have no hesitation in saying, that if the children of our agricultural labourers could, by some species of parliamentary *ukase*, be kept at school till, as many of us wish, their thirteenth year, neither the community nor the agricultural labourer would be benefited. If those three important years were subtracted from industrial training and given up to intellectual work, very little would be gained for the mind in the case of those whose lives must be passed in manual labour; and these two results would follow—the seeds of a distaste for the rough continuous work of English agriculture would be implanted, and, at the same time, no inconsiderable incapacity for bearing without inconvenience, exposure to our heat, and cold, and wet, and their sudden alternations. It is quite necessary that the habituation to this should commence as early as possible in those who will have to earn their bread in the open field. The parent, guided by his own experience, and acting under a sense of responsibility to his parental instincts, judges that his child should, by the age of ten, be accustoming himself to what will be the work of his life, and by which he will have to support himself and his future family, and therefore, at that age, takes him away from school and sets him to work. From the single fact that this is done by all the labouring classes, from John o' Groat's house to the Land's End, without any possibility of concert, without even the knowledge in one of how others, with the exception of his immediate neighbours, are acting in the matter, we must infer that it is done by an instinctive (and must we not, therefore, think an unerring?) feeling, not so much of its propriety as of its absolute necessity. Indeed, it is done in obedience to one of those general self-acting laws which, taking their rise in the wants and affections of individuals, conduct, by a direct and unfailing process, to the well-being of society. The attempt to interfere with laws of this kind must, in the end, be futile: in the mean while it can only be mischievous.

No claims are more imperious than those of labour, with the single exception of those of subsistence. And both of these are against our

attempt. No instincts are so sure of their mark as those of the parent, and these, too, are against us.

Intellectual education is only a part of the great question. The other part is the training that shall enable a man, his circumstances being duly considered, to provide for himself and his family. This latter is the primary, paramount, abiding, universal requirement. To this everything else, even intellectual culture, must be regarded as practically subordinate.

And now, what among the well-disposed of this class is regarded as sufficient in the way of intellectual education? We all know that their wishes here do not go beyond reading and writing with ease, ability to work the simple rules of arithmetic, good habits, as those of order, cleanliness, and attention to what is in hand, and religious impressions directed to Christian objects, with ability to express them in Christian forms. We, whose horizon is more extended, know that something more may be acquired in the time, and with advantage to the future labourer. We should be glad to see music taught to all, and the elements of drawing taught in all schools frequented by the children of mechanics. Of course reading includes the habitual effort to grasp the meaning of what is read, and writing the ability to write from dictation, which involves orthography. I myself would even go a step further, and would add a little instruction in animal and vegetable physiology, with some geographical knowledge. Now, I need hardly say that all this may be taught by the close of the tenth year of a child's age. There are many schools where, with the exception of the drawing and the physiology, it is regularly achieved. And in how many more would it be accomplished, if so much time was not unprofitably spent in futile attempts to teach grammar, history, and the text of Holy Scripture. And in how many more still would it be accomplished, if it were generally understood by the managers of elementary schools that the first mentioned points are the essential ones, and that nothing else should be attempted which could in any way interfere with them, or, indeed, attempted at all until they had been thoroughly mastered.

And here I must guard the view I am propounding against the supposition that it may unconsciously originate in some lurking desire to prevent the rise of the lower classes, or in a low estimate of the value of intellectual training. In whatever I have written and said upon the subject of education, I have, as respects both these points, committed myself distinctly and emphatically to opinions the very reverse of what would be implied in such a supposition. I am speaking, as I conceive, in the interests of intellectual culture and of the labouring classes, both of their general body and of those among them whom nature may have endowed with capacity for rising in the world. Speaking roundly, the only path by which the members of this class can not only live, but also rise in the world, is that of industry. Bearing this in mind, I would lay in the few years—all the time that can be allowed me, but which I know is sufficient for my purpose if wisely used—the necessary foundations of intellectual

culture as securely as possible, in order that they may be retained in a life of labour, and made readily available for whatever may prove to be the requirements of after days.

Of course all our elementary schools will not stand, in respect of the instruction they offer, at the same level. Those in the towns in which the children of mechanics and petty shopkeepers are educated, will aim higher than those in the rural districts. In our large cities the elementary principles of art, in our mining districts practical mining, in our large outports navigation should be taught; indeed, everywhere, whatever may be useful, from local circumstances, to those who have ability to profit from such special instruction. In populous places there would sometimes be a sufficient number of children whose parents are desirous of their obtaining such special instruction, to justify the establishment of a special school, or at all events, the introduction of such special branches of instruction into some of the best schools. Our school-system throughout should, like the ocean, be capable of providing for the widely varying wants of all that will have to make use of it. In the ocean there are some tribes that have to find their sustenance at the bottom, others at the surface, and a variety of others again at different intermediate depths. Especial provision for the peculiar wants of each is made at its own level. Just so should it be with our school-system. Care also being taken that there be nothing in the system to hinder those at the bottom from rising, if they have the power to rise, to any superior level, and even to the very surface. Nothing, however, but confusion and mischief to all alike can ensue, if no discrimination is observed, that is to say, if the attempt is made so to educate all classes, as that they should all be brought to the same point. What would happen in the ocean if all its tribes by some sudden change in the nature of things, were brought to seek for sustenance in the same manner, from the same source, and on the same spot?

I have much more to say upon this part of the subject, but as time presses, I pass at once to the other extremity of our Educational Institutions.

I have already indicated the degree to which our universities have lost their hold upon the educated classes; and here again, the question suggested to us by the present state of things is, whether of the two is in the right, the educated classes which decline to avail themselves of the education the universities are offering, or the universities themselves which continue to offer what the educated classes are, from some reason or other, indisposed to accept? Even if we are to fail in arriving at once at a satisfactory solution of this question, still it cannot but be of advantage that it should be distinctly proposed for consideration. Of course, antecedently to any inquiry into particulars, there is a *primâ facie* probability that the educated classes would never generally agree in rejecting a great educational advantage, for they quite understand that their work in life is in the main intellectual. Perhaps, too, we shall all of us agree in thinking that it is highly improbable that those, who are familiar with the exigen-

cies of public and professional life, should be less capable of forming a correct estimate of what might be needed for the completion of their children's education, than the tutors and heads of colleges. At all events, the general unanimity on this point throughout the educated classes is a fact to which considerable weight must be allowed.

We will now notice some of the considerations by which the two parties to this question are respectively influenced. And here again I am persuaded that the difficulty is very much, as in the former case, one of time. It is not so much the expense it involves, as the time which decides many of us against giving our children a university education. I know that the expense very much limits the area from which university students might be drawn, still those among us who could easily afford the present rate of expense are so many that they alone would supply more students than the colleges could receive, if university education were in favour with them. With them it is entirely a question of the comparative advantages of the several ways in which that particular period of their sons' lives may be employed, and they are guided to their decision by considerations arising out of the state of things that the progress of society has brought about. In these days, it occurs to every parent to ask himself, whether his son, now eighteen years of age, may not spend the next three or four years of his life more profitably in some other way than in devoting it to a prolongation of his classical studies? If he be the possessor, or expectant of hereditary wealth, he may, as is now done by many of this class, devote these years to foreign travel, or to a residence abroad; or he may enter the army for some years, now no bad school, if properly used. The fact that these courses are largely adopted by the higher strata of the upper classes not only diminishes the number of our university students, but as it involves a decision adverse to the competing claims of university education, so far discredits the universities in public estimation. Again, if a young man is intended for the bar, or the highest branch of the medical profession, we know that with his friends it is an open question whether it would not be better for him to commence his legal or medical studies elsewhere; and that here again the decision arrived at is generally adverse to the universities. Or, if some one of the higher branches of business, as for instance, that of the merchant or banker, be the youth's destination, the question of sending him to the universities can hardly be said to be entertained at all. Looking then at the general practice of all these classes, there can be no doubt as to what is their opinion on this subject. And we can see no chance of their opinion or practice being altered: on the contrary, as their practice and opinion have resulted from what has become the state of society, there is every probability, so long as no change takes place in the universities themselves, of their becoming more fixed and more general: at all events, this is the course things have been taking for a very considerable time.

Now it is not in the least that the educated classes have any contempt for classical study. The practice, universal among them, of

giving their children a classical education, either at the old public schools, or at the proprietary schools they have themselves established, utterly disposes of any supposition of this kind. They value classical culture most highly. Indeed, I cannot imagine that, in Europe, at all events, the time will ever come when a man who is devoid of classical culture will be regarded as completely educated. For we know that it is this alone which enables us to understand the course along which the fortunes of our branch of the human family, and the course along which the mind and opinions of mankind have travelled; in other words, how the conditions of social, political, and intellectual life have come to be what they now are. Still, parents, it is evident, do not now think it worth while, that the long and critical period between the 18th and 21st or 22nd year should be given up to the continuation of these studies, when so much that is most valuable can be learnt and done elsewhere. And besides, as those, who from some natural liking and aptitude for these particular studies, and capacity for carrying them on to a profitable point, are very fortunately, as is very fortunately the case with every other intellectual pursuit, only a small proportion of the whole body of our youth, the chance is not a very encouraging one, that any particular young man that may be sent to the university will add much there to his classical attainments, when, too, he will be under fewer restraints, and will soon make the discovery that the ability and attainments of his college-tutor are far enough from being equal to those of the master of the school he has just left. For it must not be forgotten that in these days the masters of our great schools are the best scholars our universities can supply, and that they are devoting their lives to teaching, whereas the college-tutor generally occupies himself in tuition only because he has to wait some time for a college living.

As the object of these papers is that kind of discussion which may lead to action, I shall here say a word or two upon what I conceive ought to be the course adopted by our universities with the view of bringing themselves into harmony with the times. An Oxford man myself, I am not unacquainted with what has been done for them, and by themselves, of late, but I am persuaded that the great paramount mistakes of their system remain still untouched. The reforms that have been carried out will never recover them from their present paralysis, because they do not bear in the least upon its causes. The universities have come to be neglected by the educated classes for two reasons mainly: one is, as I have already noticed, that the time they exact from the student is in these days too valuable to be given in exchange even for the particular benefits they desire to confer, though there is more or less chance in each case of their not being able to confer them. The other reason is, that the fields of knowledge, and all the intellectual wants of society, have in course of time been so multiplied, and have become so various, that a purely literary and theological education is now suitable, if to any, only to a small proportion of the upper classes. We abstain from sending our sons to the universities, because they have not accommodated their system to these facts. If, therefore, they would regain their former hold upon

us, they must attempt it in the following way:—For all the branches of knowledge they must obtain the ablest instructors. This must be done at any cost, and the cost will be considerable. They must also again admit students at any age, as low as 15 or 16, as was formerly the practice. No one must be compelled to study anything but what he himself desires to study. Degrees must be inexorably withheld from incompetency, and again made to represent what they profess, that is, a serviceable mastery of the different branches of study to which they are respectively assigned; as, for instance, of law and history, or of physics and mathematics, or of the medical sciences, or of polite learning, or of divinity. This would, of course, render unnecessary, and indeed quite inapplicable, the present system of honours. On the Continent, as well as in this country, and so also in the United States of America, we hear it said that the day for universities has gone by. The truer remark, I conceive, would be, that the old university system is not at all adapted to the existing state of things. As respects ourselves, however, in this matter, just as in most others, we can only advance towards great changes very slowly, because we have to do everything for ourselves, which implies that the majority of us must first be brought to acknowledge the propriety of any proposed change. This cannot but be a work of time. But here, as in all our other fields of education, I rejoice to see causes at work which must in the end bring about the desired results.

I should have been glad to have entered more fully into this part, as well as into some other parts of my subject, but the limitations of space and time by which I am confined, oblige me to turn from it to the remaining educational field, that of the middle class school.

I ask at once, on what ground have the middle classes forborne to avail themselves of the advice and aid, as far as they have been offered, of those friends of education, who have been desirous of assisting them in organizing a system of middle class schools? We must take care not to regard the exceptions in a wrong light. Of course, just as might have been anticipated, the heads of some middle class institutions have, and naturally and properly too, connected themselves with the movement in favour of improved middle class education; because it appeared to them that the only way to improve middle class education was to give to the middle class school as much as possible the air of the old public school. It was also a matter of course, that the movement, at all events, the frequent discussion of the matter, should give birth here and there to establishments which would challenge observation as model middle class schools. All this was inevitable, quite as it should be, and in the end can only do good. But as long as we find our thriving farmers and thriving shopkeepers regarding whatever we say and do in the matter, not so much with indifference as with repugnance, we may be sure that nothing general or effectual can be achieved in the direction we have taken.

I am glad that the universities have established their examinations for middle class schools, but not because I expect from them any direct effect upon middle class education. My opinion about these examinations is, that if it be found possible and desirable to continue

them, they will rapidly subside into examinations for our second-rate grammar schools; and, looking at the country generally, will leave middle class education just where they found it. They will, however, be of advantage in helping us to arrive at a better understanding of what the middle classes really require, and of how their wants may be best supplied.

The fact is, that trade is quite as exacting in its requirements as labour. Those who are to live by it, and succeed in it, must, to speak generally, for here we cannot take notice of exceptions, begin early to acquire the necessary habitudes. They cannot delay this with safety beyond the fourteenth or fifteenth year.* The earlier of these years, Mr. Giffard has told us, is the average age at which the pupils leave the large English school that forms one of the departments of the truly royal foundation at Birmingham. This fact, therefore, must be regarded as an element in the consideration of middle class education, to which our whole conception of what that education ought to be must rigidly conform. It must be such that it may be completed by the fourteenth year. This at once excludes utterly the possibility of giving it a classical, or a learned direction. The middle classes themselves fully understand this. But there is nothing in this to discourage the educationist, for it gives sufficient time for teaching, or laying well the foundations of all that a life engaged in trade will require. What is required is an English education, including of course English history and geography; some knowledge of animal and vegetable physiology, the accomplishments of music and drawing, with, if there be time, and if they be desired, French and the rudiments of Latin. There is nothing here but what will be useful for that which will be the work of after life. It is a foundation also to which any additions, whether scientific or literary, may afterwards be made. It will qualify a man for filling creditably any position to which he may rise in the mercantile world or in society. We are, I suppose, most of us familiar with schemes for middle class education, which evidently have originated in very different conceptions of what is needed by that class.

Of course, as there are intermediate connecting links between the labouring, the trading, and the upper classes, so will there also be schools that will be of an intermediate character. There will also be schools for the destitute and criminal classes, which schools, as they must stand to the children *in loco parentis*, will undertake the additional and parental duty of teaching them how they may procure a subsistence. For this reason these schools should be, which should be the case with no others, of an industrial character. Having purposed, however, to confine myself in this paper to general views, I have directed attention to the main body of each class, where we find it characterized distinctly by its own special wants and work, its own circumstances and habitudes.

And now we will take some connected views of the ground we

* *Transactions*, 1857, p. 132; *Transactions*, 1858, p. 246.—Ed.

have traversed. It is not difficult to understand how things came to be as we find them at the present moment. Hitherto there has only been time enough for the promoters of education to arouse the country to vigorous exertion. By great efforts, and in many cases at no inconsiderable sacrifices, they have thoroughly succeeded in doing this. Schools have sprung up everywhere, and we are still busy in building schools, collecting scholars, and training teachers. But of course, to our minds, speaking generally, hitherto education could only mean the mental training we had ourselves received. Now, as we all know, this had no direct practical aims. Whatever aims it had were rather literary, philological, critical, and theological. It is, in fact, a system which has its roots in history, and belongs more to the past than to the present. It was the offspring of an age when literary culture was all the culture that was possible; and when literary culture, from the want of a native-grown vernacular literature, could only mean classical culture. It was, furthermore, so cast as to meet the two wants, first of the Christian ministry, which from causes connected with the history and character of our religion must be a learned one; and then of the Reformation which had need of this particular kind of learning for the purposes of its great controversy. And it has since continued much what it was at first, because it has continued to be the education of the single class that had much leisure time at its disposal, and was even able to devote one-third of the average period of human existence to the undistracted work of education; and to continue its intellectual culture more or less through the remaining two-thirds; and whose work in life was mainly connected with the use of the intellect. Such being its origin, methods, and aims, it was necessarily conversant mainly with books and language. As I have said, it was grammatical, philological, critical, classical, literary, and in religion doctrinal and formal. In this system we have all been brought up, and have probably some of us never thought of anything else in the way of education. Unavoidably, therefore, our first idea of what we could do for the labouring and trading classes was to give them the same kind of education in, I use not the words in any reproachful or invidious sense, a diluted, or accommodated form. As we had to proceed by popular action, and in accordance with the views and feelings of the general public, it was absolutely impossible that it could be otherwise at first. Hence originated the indiscriminating effort to give a grammatical and theological turn (I use the latter epithet as something different from, though often misused for, religious) to the education of our future labourers and mechanics, whose education must be completed by their tenth year, and who will have to live by manual labour. Hence, too, originated the effort to reproduce for our future farmers and tradesmen, who must leave school by their fourteenth year, the world-famous English public schools, at which the sons of the gentry remain till their eighteenth year; and which indeed are so admirably adapted to the latter, that perhaps no class of schools ever answered their purpose more perfectly—that purpose, however, being, let it be re-

membered, a most singularly special one, for the class they educate can hardly be said to be found anywhere in the world excepting in this country.

Up to the present time, then, it has only been possible for the educationalists to give expression to their views; but now that, thanks to their great and in many instances costly efforts, schools have been everywhere established for the children of the labouring classes, and that efforts have been made to influence and improve the education of the middle classes also, it has become necessary that both of these classes should make known what are their wishes and requirements. And we shall soon see, indeed we see already, that what they need, and what they will alone receive, is very different from what we ourselves received. It will not be long before we shall all understand this, and act upon it. I have no fear about the result. Nor of course have we anything to repent of in all that has been done. We have done, nearly enough, all that was possible under the circumstances. And of all that has been done nothing could, under the circumstances, have been done to any considerable degree differently or better. We are advancing under a powerful self-generated impulse, which therefore can hardly die away, but must carry us on through all obstacles and delays. Every department of education in this country is in a healthy and a promising, because a progressive condition. We all see that what is new is not yet matured and settled; and that what is old cannot be retained just as it is. We are constantly gaining accessions of light on all sides, especially from the public opinion which is being matured on educational questions throughout all orders of society, each having become capable of taking a part after its own fashion, but that a very effectual one, in the discussion, or at all events the settlement, of those parts of the question which affect itself. Much that we are doing is clearly only provisional, tentative, transitional, but will infallibly, looking at the spirit that is animating us all, both the movers in this matter, and the different classes in whose behalf the movement is made, conduct us to the right conclusions.

Nothing can be more fortunate for us than that we have been saved from adopting any of the foreign governmental systems of education. If we had adopted any one of them, we must inevitably, as we may I think safely infer from the considerations to which our attention has been directed, have adopted a faulty, inapplicable, and wrong system; something, it could not have been otherwise, quite unsuitable to our English wants. And we should at this moment be directing all our efforts to maintaining, strengthening, and perfecting what we had blindly and mistakenly adopted. The mischief of this would have been incalculable. But now, as the Government has only aided us in our endeavours to find out and supply what we were in want of, its aid has been of incalculable benefit. It has only stimulated and expedited our progress towards right conclusions.

There really never was a country to which a rigid preconceived governmental system of education was less applicable than it would be to our own at this moment. I have already had occasion to notice that

our gentry are a class well-nigh peculiar to this country. Our farmers, as the characteristic of their social and economical position is, that they are a large and influential body, who cultivate with their own capital land that is not their own, can be paralleled in no other country in the world. The numbers, wealth, and political importance of our shopkeepers give them also a character of their own. The same may be said in a still higher degree of our agricultural labourers. Here, contrary to what is the case elsewhere, we have no admixture of peasant proprietors. With us all this large class works entirely for others. From the variety of our crops, one or other of which is always requiring attention, and also from the equable nature of our climate which causes no interruption to labour either in summer or winter, our farming hands are kept to work without a pause, or a fête, throughout the twelve months. And this state of things is conjoined with political freedom, and with more or less throughout all classes of political power. And this again is accompanied with freedom of trade and labour. It is evident that so peculiar and so diversified a social system must have peculiar and diversified educational requirements, and that no imported system, however well it may be supposed to work elsewhere, could be to us anything but a hindrance.

On the Education of the Middle Classes. By THOMAS DYKE ACLAND, *Jun.*

IT is not without great reluctance that I have consented to address the members of this Department on the education of the Middle Classes. The material facts are so generally known; the conclusions to be drawn from the facts have been discussed with so much ability by the public journals, that I cannot hope to contribute more than a review of the present state of a question on which every one has access to the data for forming his own opinion.

I will first endeavour to clear up some ambiguities and misapprehensions as to the term 'Middle Class Education,' and then, in the order laid down in the programme, refer to the *objects, means and methods*, and *results* of education with reference to the class in question.

The Association in its programme points out three classes, upper, middle, lower. Some exception may be taken to the recognition of class education in any form. The object of education is the same for all classes; to call out and develope the capabilities of the growing mind and heart, and, let me add, of the growing body; so as to prepare the individual for his future existence; and who can say with certainty what that existence shall be? One thing only is certain, that, whatever situation a man may fill in this world, it will bring with it influences tending to crush and extinguish the inner life and sympathies, on which depend both personal happiness and social union.

Education, therefore, is not worthy of the name, if it does not strengthen in every man the better feelings of our common human nature, and help him to rise above his circumstances. One of the good features in the education of the higher ranks of England, as distinguished from continental education is that men of various professional occupations have received the same liberal education at school, and in many cases at the universities. The thread of general education runs through society and unites men of different pursuits in the bonds of warm affection. Many of the attempts to deal with the education of the middle classes have been in the opposite direction. It is professional life which classes men: and purely professional education tends to stereotype class prejudices.

I should wish, therefore, once for all, to repudiate the term 'Middle Class Education,' and to be allowed to assume that in essential principles the education of the labourer and craftsman, of the accumulator of wealth, and of the possessor of wealth, should be the same,—that each and all should be led to appreciate what is *practical*, *liberal*, and *beautiful*. The difference as to the use to be made of certain particular subjects depends on the length of time during which the parent is able or willing to make sacrifices for the improvement of his child.

But though 'Class Education' be unmeaning, it is necessary to arrive at some perception of the actual facts represented by the term *Middle Class*.

In a free country no precise definition of classes can be laid down. The spontaneous arrangements of society resemble the scientific classification of vegetable and animal life, in which the higher species of a lower group are more fully developed than the lower species in a group which, as a whole, rises higher—so that the classes overlap each other.

If we look to the employments in which men are engaged, and to the sources of their income, as in some degree marking their class, the lower class is characterized by labour more or less mechanical, their income being wages and involving little consideration of profit or loss. The period of their education usually closes at 12—and costs, exclusive of clothing and food, from 15*s*. to 40*s*. per annum, of which a large portion is not defrayed by the parent.

The large body of men who are not engaged in mechanical labour may be arranged with reference to their employments in two divisions.

1st. Those whose principal occupation it is to deal with *men* as men, to improve them in mind or in body, to study their wants, and deal with the political questions involved in those wants.

2ndly. Those whose employment is with *things* directly and with men only mediately as producers or labourers: of this second division a large proportion are engaged in the expenditure of capital with a view to profit, in the direct supervision of mechanical labour, or in the actual execution of details.

But those who are engaged with things must be subdivided into

(1) those who transact business on a very large scale; or devote themselves to the investigation of scientific laws; (2) those who are chiefly concerned in the execution of details or the applications of science to a marketable use.

Those who are to be chiefly engaged with men require the most prolonged mental training: in order that they may be acquainted with the thoughts of the good and great of all time; and that the arrangement of their ideas may be orderly, and ready for use under varying circumstances. In other words, the staple of their education is classical literature, and mental philosophy, corrected by free, social life. Mathematics add to the strength of their minds, and physical science is of use to them, chiefly in so far as it tends to enlarge their sphere of interest in the work of other men.

The education of great manufacturers and merchants, and of men of science should, as far as possible, approximate to the same standard, with, perhaps, some increased attention to abstract questions.

Those who are to deal with things more in detail, and in close connexion with the market, require, as their primary discipline for work, close habits of calculation. Literature is to them important in so far as it tends to expand their human sympathies.

University and professional training commonly extend beyond the age of 21—involving an expense in the whole of between 1500*l.* and 2000*l.*, or more. About the age of 18 many young men go into business, or close, at least, their general education, which may have cost about 40*l.* or 50*l.* per annum, or in day schools 10*l.* 10*s.* per annum, or less. The age of 15 determines the period of general education of a still larger number, especially of those who enter into retail trade, or farming on a small scale; their boarding schools cost 30*l.* per annum, or less; day schools, 6*l.* to 4*l.* per annum, or even less. Our principal attention, on the present occasion, is to be given to the two last-named cases.

The circumstances of the middle classes point very clearly to certain *objects*, and set stringent limitations on the *means* and *methods* which can be used for the attainment of those objects. The father of a boy, who is to be placed in business, desires for his son, above all other worldly advantages, what are called business habits: that is, he clearly perceives that his son's success in life depends on the concentration of his efforts—efforts directed as a general rule to what is tangible and plainly attainable, rather than to schemes of what is imagined as possible. A willingness to submit to drudgery and confinement is necessary for the counter; a readiness to leave home at a moment's notice is not less requisite for the agent and the traveller. Keen insight into human nature, civility and firmness, are necessary for all; and for some posts quickness of invention and fertility of resource are not less needed than steady good conduct. The nation requires more still, it expects from the middle classes political judgment, a readiness to undertake public duty in local affairs; and further, it yearns to find throughout the whole class of employers of labour that of which our age has shown many bright examples, an

enlightened and sympathizing interest in the human beings who work with them and for them.

Before I attempt to reduce these objects of education to practical details, I wish emphatically to state what in the opinion of some of the best judges, both teachers and parents, is *not the object* of education for the middle classes.

It is not desirable to forestall the experience of life by teaching business at school. There is no need to dilate on the narrowing and chilling tendency of such an attempt to cramp the young heart. It is as impracticable as it would be mischievous. And I believe that the parents of England have found this out. Splendid establishments have been set up to teach engineering; and they have failed. The Agricultural College at Cirencester as a place of early education was always in difficulties; it is now on a better footing as a place of scientific instruction for adults. Model farms, and model workshops, lack the one essential element of success; they do not transact real business; and therefore they do not teach business habits. No class of men have a more strong perception of this principle, than those who are connected with agriculture; and this on account of the very great variety of the details with which that subject deals, and the impossibility of acquiring a scientific conspectus of the whole in a short time without gross inaccuracy. This opinion was expressed in the year 1859, in a formal resolution adopted by the council of a large 'Society* for the Encouragement of Agriculture, Arts, Manufactures, and Commerce,' established above eighty years ago, and now numbering 1200 members.

'The council fully assent to the opinion that skill in business generally is best acquired by practice, and that the best preparation for practical life is a good *general* education.'

The passing of that resolution led, by the aid of Dr. Temple, to the University Local Examinations, because the measures of which it helped to lay the foundation, embodied at the right moment an opinion to which the common sense of English parents had been from various quarters steadily converging.

Assuming then, that the education is to be general, it may be granted that it must be *practical;* but what does practical mean? Not certainly the knowledge of practical rules and expedients to be stored up till the case to which they apply arises; and yet this has been the prevailing character of Middle Class Education. As Dr. Temple has well said, 'Masters too often seem to fancy that the important and difficult part of a problem is the calculation. But long after a boy has mastered this part of his work, and calculation of the more difficult kind has become mechanical, the greater difficulty remains,' namely, that of 'finding out what, and how, and when, he is to calculate.'

By Practical Education, is meant an education which calls forth

* The Bath and West of England Society, founded 1777, extended 1850.—*Journal*, vol. v. London: Ridgways.

not only the power of acquiring knowledge, but the power of applying it: it is true that in the order of time sound teachers know, and act on their knowledge, that rules must come first, and principles by after reflection; but the mastery of the principles is *the* object for all classes, qualified however, in the case of the middle class, by the farther consideration, that unfailing accuracy of detail in the application is an object to be attained for its own sake, not only as a means of discipline, but also for its actual utility, and even necessity, in after life.

Another aim should be to give boys freshness of interest in mental improvement, so that when they enter business they may leave off school education with awakened powers, and unsatisfied appetites for knowledge. The same path by which this object is to be approached leads straight to another and yet more important goal, namely, a living and hearty sympathy with human nature. This path lies through a course of pure literature; but some reach the same end by love of inanimate Nature, and some by a love of the Arts.

A higher object has already been hinted at which hardly falls within the limits of our present subject, viz., the education of those who are to conduct the great manufacturing establishments of England. I can only say in few words, that whatever there is of energy in a public school, whatever is accurate, comprehensive, and liberal in university training (provided the individual has fixity of purpose enough to resist the attractions, good or bad, of societies of young men) seems needed for posts of vast responsibility, requiring the mental resources of the professional man, the statesman, and the general. With the advancing power of the working classes, no training which maintains the moral and intellectual influence of the employers can be too high, no accumulation of capital can atone for the deficiency of a liberal education.

The consideration of the *means and methods* by which these objects are to be attained is closely connected with that of the examinations recently established by the universities. It will therefore be convenient to take the two subjects together.

These examinations were clearly described by Mr. Henry Smith at Liverpool last year; I may therefore be allowed to refer to his paper in the second volume of the 'Transactions,' and to other published documents, for all details, only calling attention to actual changes, and to principles evolved by experience.

As regards the name, it should be understood that the term *middle class examinations* has no authority, and implies an error in fact. The examinations belong to no class; they are open to every one who has not matriculated at the university, and has not completed his eighteenth year. In the first year Leeds, Liverpool, Birmingham, and other towns, furnished candidates educated by distinguished scholars at the head of grammar schools. Some masters of classical schools held back, on the plea that they were not included in the scheme. The hesitation was not unnatural; but the present year

shows a marked increase of candidates of the best description, although the total number of candidates at Oxford was smaller in 1859 than 1858.

Bearing in mind what has been said of the habits of the middle classes, viz., that accuracy in details is essential to success, the universities require, as the first method of securing this object, the mastery of certain elementary subjects. This mastery is indispensable for receiving any certificate. The failures in these preliminary subjects have been fewer in proportion in the second year than in the first; and, what is still more to the point, it was necessary in the first year to refuse the certificate to many candidates who would have stood very high in the scale of honour if there had been no failure in the elements. This year hardly any case of that kind occurred.

These essentials, correct spelling, arithmetic, English grammar, an outline of English history and of geography, with English composition, having been secured, the candidate is free to choose his own path in literature, science, or art.

Passing now to separate branches of instruction, few will deny that, however important may be the acquaintance with things, the most universal instrument is language. And were I speaking of the education of those who leave school at twelve, or, on the other hand, of those who pursue their studies till twenty-one, I should not hesitate to urge that, in the one case, the most necessary, and, in the other, the most ennobling ends of education, could not be secured without devoting to the study of words (as a means of subsequent progress) the first consideration; but in the case of the intermediate class, perhaps, the indispensable element in intellectual training is mathematics; geometry, to give definite accuracy and powers of close reasoning; algebra, to elevate arithmetic from a mechanical to an intellectual study. There is no book which so strongly enforces the necessity for attending to every link in a chain of reasoning, and therefore indirectly to the minutest detail in matters of practice, as *Euclid*. We have seen lately the appalling consequences of inattention to a single screw; perhaps this may occur to some of the workmen, who, in a paper circulated by the Yorkshire Union, are advised to miss the useless propositions in *Euclid*, and to go on after six weeks to trigonometry, conic sections, and the higher curves. Whether this be the right training for the workmen or not, I think their employers will not regret the time spent on going through two or four books of *Euclid* without missing one step. And, if I may judge by what I have seen of masons and carpenters, good workmen are not the men to hurry over what they only half understand.

Next in order to mathematics may be placed the acquisition of at least one language. The practical conclusion at which many experienced teachers seem to have arrived is, that Latin should be taught wherever the boy is likely to remain at school till seventeen; while those who leave school before fifteen might with advantage substitute French.

Of physical science as an instrument of mental discipline it is diffi-

cult to speak in a short compass. The benefit of natural history, and simple experiments in physics to young children is unquestionable: nor will any reasonable man call in question the mental discipline which results from the earnest pursuit of particular branches of physical science in mature life. But during the critical period of boyhood, when the powers need general regulation, I cannot think that the educational effect of physical science is of so general and expansive a character that it should be insisted upon, to the exclusion of English, or of mathematics, or of French, before fifteen, or of Latin, up to eighteen; it becomes then a question to be decided by time and opportunity, and by the natural bent of the pupil.

There seem good grounds for the opinion that natural and experimental philosophy should enter into the course of teaching for younger pupils almost as a recreation, and that about the age of fifteen a decision should be taken whether natural philosophy, chemistry, or physiology should be followed as a principal study. The attainments of some of the senior candidates at the Oxford examination show plainly that physical science has had a real educating value for them, while those of the junior candidates point to the opposite conclusion.

There remain two other means of education—drawing and music. It would be difficult to overstate their worthlessness in the way in which they are commonly taught to the young of either sex, as flimsy accomplishments, bringing no permanent healthy source of pleasure to them or to their friends, and ministering only to ignorant vanity. But those who know what has been done by Mr. Hullah for the young men and women of the middle ranks in the metropolis; or by Mr. Ruskin for the members of working men's colleges; or who have witnessed the influence of music and drawing as instruments of general education in training colleges, will not refuse assent to the doctrine that, where time does not admit of the more elaborate refinement produced by high scholarship, those two subjects offer no mean substitutes. But then they must be taught by educated and educating men. So taught, drawing gives powers of observation which nothing else can give; and music, including part-singing without the aid of instruments, gives quickness to a slow boy, steadiness to a giddy boy, and demands close attention from all, while it teaches the value of mutual forbearance, co-operation, and reliance on each other. Of thorough bass and harmony, it may be said that, for ladies at least, they are no bad substitute for mathematics, and very interesting, if well taught.

But, whatever may be the relative value or order in point of time to be assigned to the several subjects above-named—points on which various estimates are formed by persons of equal intelligence, modified by their respective pursuits, temperaments, and even by the districts in which they reside—there will be little difference of opinion as to the wisdom of the course taken by the universities in opening a door of distinction and of high honour through each subject, placing *literature, science*, and *art* in this respect completely on a level; stipulating only that the certificate of general education shall not be given for

proficiency in the arts alone, without proof that at least one literary or scientific subject has been well studied.

The principle adopted by the universities may be thus stated. They recognise the educational value of every subject by which mental training can be imparted; and, recognising this absolute freedom of subject, they exact a not less absolute stringency in testing the reality of the study.

The arrangements made for the examinations in physical science tend to give a practical character to the instruction. The examinations cut at the root of the mischievous habit of cramming up physical knowledge from descriptions and woodcuts in books, instead of examining the actual objects themselves. In chemistry, for instance, complete sets of test bottles have been provided for every candidate. Solutions and substances of uniform character are distributed to every centre for analysis by the candidate; this, of course, has involved great trouble and expense, for which the country is much indebted to Professor Brodie and his able assistants. It is hoped that arrangements may be made at three or four centres, where convenient laboratories are to be found, so that the candidates in chemistry may be respectively assembled at those points without any increase of expense to themselves.

The regulations for the examination in drawing have been recast this year, with a view to concentrate the efforts of teachers more distinctly on the essential points, namely—the representation of actual form and colour from real objects. The work of the candidates in drawing discloses a state of teaching so bad as to be unaccountable, considering the artistic talent which exists in this country. In such places, for instance, as Manchester, where one of the most eminent teachers is at the head of the School of Art, not one senior candidate passed in drawing, and only 5 juniors out of 73.

Out of 299 senior candidates, of whom 91 were examined in drawing, only 24 in all England came up to the minimum, and several of them failed, from deficiency in general education. It was impossible to give honour to more than 6 senior candidates, and those 6 were examined at Exeter and Gloucester—two coming from Swansea.

The state of musical instruction is even more deplorable than that of the sister art.

The report of the examiners was so decided that the delegates could not allow more than 7 seniors and 4 juniors to pass in music, and could not grant honourable distinction even to one. Yet the questions asked were extremely easy, even easier than last year, when the standard was deemed by some unreasonably low.

It is evident that music is either neglected or utterly mistaught in boys' schools, and, if it were possible to probe the instruction given in a large number of boarding schools for girls, the case would not be much better, as regards the intelligent comprehension of music, whatever the execution might be.

The fault, in great measure, lies with the parents, and the low standard of musical judgment in the nation.*

Under the head of *Results of Education* as affecting the middle class, I will only detain the members while I shortly sum up what appear to me the favourable and unfavourable elements in our present position.

On the bright side we may notice—

1. That the independence and self-reliance of the middle classes in the matter of education are as strong as ever; but they are alive to the deficiency of the system under which they were brought up themselves, and are willing to accept help which involves no degrading conditions.

2. The importance of *general* education, as a preparation for a life of business, and as an elevating and refining corrective to the influence of the market, is recognised.

3. Pupils in the schools of the middle class have now a definite object to work for.

4. Parents have an unimpeachable tribunal by which to test the efficiency of the schools; and they value its verdict.

5. In proportion as the universities have admitted science into their general course, the world at large has formed a higher estimate of the value of classics and mathematics.

6. Good text-books, sound methods, efficient apparatus, are gradually superseding the miserable catechisms and compendiums which used to form the whole stock in trade of an 'Establishment for Young Gentlemen.'

7. A number of upright and strong-minded private schoolmasters welcome the support given by the universities to good teaching, and are ready to co-operate with the examining bodies in every way in their power.

Among the principal points on which palpable defects are disclosed without any immediate prospect of remedy, or to which it is obvious that attention should be turned, may be mentioned the following requirements:—

1. Better early training, during infancy and childhood, of those whose parents are much engaged in business during the day.

2. When day schools in towns are relied on for education, more attention should be given to the games and social life of the boys, forming, as they do, an important part of the education received by boys from each other.

3. The reconstruction of grammar schools in some places, and in others the foundation of institutions on a scale adequate to the requirements of the middle class.

4. Provision and encouragement for the class instruction of youths

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* The comparison made in the paper between the Oxford and Cambridge examinations, and references to the Society of Arts, the College of Preceptors, and to the Medical Council, are omitted for want of space.

who have entered business about 13, but have received a thoroughly good elementary education.

5. Better provision for the education of the sons of farmers who cannot afford to pay for a good boarding school.

6. Some check on the prevailing inefficiency of female education at boarding schools.

7. Instruction in drawing and music in schools to be put on a better footing.

Such are a few only of the good and evil concomitants of the present state of education which lie on the chart before us.

The review in which we have been engaged justifies the belief that measures are in steady and healthy progress for sustaining the mental vigour of the middle classes, opening up to them, at the same time, countless avenues of sympathy with the gentler tastes of the upper classes and learned professions. But, what is even more important, we may augur a deeper sympathy with the feelings, and a more extended acquaintance with the wants, of the working classes, and thus look hopefully for the solution of social problems in which the welfare of England is deeply involved.

On Schools for Girls of the Middle Class. By the Rev. J. S. Howson, M.A., *Principal of the Collegiate Institution, Liverpool.*

ONE advantage of this Association is, that it singles out separate classes of the community for specific consideration. Our division of labour enables us to study each portion of our social system, and then to make definite efforts for its good. In this meeting and the last what are called the 'Middle Classes' have been brought prominently into view; and it is well that it should be so.

When papers like this are read, we are sometimes asked to furnish a definition of the middle classes, but really this is hardly necessary. The higher classes may be allowed to define themselves; the lower classes are easily defined; the middle classes are intermediate. If you want greater precision, I would say this: Try to look at society first as middle, higher, and highest; then as middle, lower, and lowest. The highest classes are our titled aristocracy; the higher are those that tend that way, whether in the territorial, professional, or industrial walks of life; the lowest are those that furnish the inmates of our workhouses and ragged schools, too often of our jails; the lower are those who earn their bread by daily or weekly wages. The middle classes remain. They include the struggling tradesman, the clerk who must maintain a good appearance on a small income, the farmer who is not the richest of his order.

The education of these classes of the community has lately (though only lately) been recognised as demanding special attention, and with

good reason. These classes must necessarily in the long run be either the weakness or the strength of our country. Their contact with the lower classes is direct, and their influence over them great. They must gradually either reinforce or undermine our higher classes. Their possession of political power has a tendency to increase. And yet, as regards education, they have been till lately under peculiarly unfavourable conditions. The lower classes have had advantages in this respect which could not with propriety have been extended in the same way to the middle. The higher have had advantages which the middle could not possibly obtain of themselves.

Now, why do I single out the girls of the middle classes as subjects for special consideration? Partly because they have been more overlooked than the boys; partly because I believe the condition of their education to be worse than that of the boys; partly because the agencies now set in motion for raising the standard and improving the quality of the education of the classes in question are almost inoperative on the female (*i.e.*, what ought to be the better) half of them. Here even Universities are powerless. The vision

Of sweet girl-graduates in their golden hair—

is only a poet's dream; and here is no place for dreaming, however true it may be that to dream is pleasanter than to work. But there is another reason, as I have hinted, why this subject should be closely and separately considered. The girls are more important than the boys. The power of woman is really the greatest power in the country. This power is all the greater, because it is not openly and visibly exercised: it is the power, not of force, but of influence. It is not merely that the mothers of each generation are the most influential instructors of the next,—not merely that, while we men are occupied with a thousand employments that take us away from our homes and our children, the influence of woman is exercised continuously, and at that period of life when impressions are most easily received. This is not all. The influence is continuous over the men themselves. It is exercised, whether felt or not, at each part of the whole social machine. If any question in the whole world is suitable for the consideration of an Association for Social Science, it is the inquiry into the kind of education which our women receive in their girlhood.

One purpose of this paper is simply to invite attention to the importance of a single branch of this inquiry. I propose the following question for a reply:—'What kind of education do the girls of our middle classes receive?' If it is found to be satisfactory, then a comfortable fact is ascertained, on which we may well congratulate ourselves and the country. If not satisfactory, then there is a serious evil to be remedied. The invitation to inquire cannot possibly be out of place. Let the research be made, in town and in country, into the real character of the existing education of our girls of the middle class, as to whether it is good and suitable, religious and useful, substantial and yet feminine; or whether, on the other hand, it is marred by unhappy mistakes and false appearances, and whether the education

which is best of its kind is placed, at a reasonable cost, within easy reach of the classes for which it is meant. Let the facts be ascertained by specific investigation, and then we shall see whether anything further is required, and, if required, we shall probably have obtained the first suggestion as to how it is to be secured.

My own opinion happens to be, that, in the existing arrangements for educating this most important part of our most important classes, there is a large amount of ignorance, misapprehension, imposture, and disappointment; that temptation to mere display is often all-powerful, precisely when the yielding is most disastrous; that character is often irreparably injured by mistakes, before the mistakes can be found out; and yet that this so-called education is very expensive. In this opinion I am by no means alone. I will occupy the remainder of this paper, not with mere counter-theories in regard to female education, but with an account of some practical efforts which have been successfully made, in the town and in the country, to meet an acknowledged evil, by supplying what was felt to be a want. I am able to speak from my own experience with regard to a large town, and I am furnished with materials for describing a similar enterprise in a country district.

In Liverpool, about four years ago, a movement was made, under the conviction which I have expressed, to establish a Girls' School which should supply a religious and useful education at a cheap cost, on a well-considered plan. Much had been done in that town for the boys. It was felt that their sisters ought not to be neglected. Some difficulties, no doubt, there were; but we started with the firm belief that the work ought to be done. We quietly and steadily persevered, and the success has been all that we could have hoped for. It seems proper to state, first, our scheme of instruction; second, our mode of proceeding in the establishment of the school; and thirdly, the results.

1st. Before we took any further step we published our scheme of instruction. I may condense it rapidly and present its main features from the original printed paper.

The Institution was intended to be, not a secular, but a religious one. The undertaking 'started from the principle, not only that provision should be made in schools for religious instruction, but that all the proceedings of a school should be leavened by Christian faith and feeling.' That which is called 'the religious difficulty' was dealt with in the same way as in another large Institution in the same town, and with the same results. The managing committee is formed of members of the Established Church, and the doctrines and duties of Christianity are taught in harmony with this arrangement; but exemption from instruction in the Church Catechism is allowed, when parents and guardians specially request it. The practical consequence is, that in the school there is a very large per-centage of nonconformist children, and no case of discontent has arisen.

In the course of instruction in this school, the founders aimed, as

they state, 'rather at that which is solidly and permanently good, than at anything merely showy and unsubstantial.' Besides what is obvious in regard to composition, history, geography, and writing, the programme lays stress on English grammar and arithmetic, as 'instruments of mental training;' on reading aloud and vocal music, 'in reference to the comfort, happiness, and innocence of home;' on elementary science, in its connexion with domestic economy; and on natural history, as being 'a valuable aid in the cultivation of taste, and highly beneficial in the formation of habits of observation, and the ideas of classification and order.' The opportunities are pointed out which Schools of Art now afford for 'that training of the hand and eye, by drawing, which is serviceable to all, and for the development of that artistic power which is given only to the few.' At the same time prominent notice is taken of the general tendency to underrate the plain and homely operations of needlework, 'the sewing, knitting, cutting-out, making-up, &c., which are useful in all cases, and which are absolutely necessary to the comfort of a household where economy must be exercised.' To these subjects French is added, partly because of its practical usefulness, and partly because 'the mother tongue is learnt more correctly when another language is taught along with it.' It may be added that this is desirable also for the purpose of marking the difference between a school of this kind and those which are intended for the poorer classes of society.* The terms, as at present arranged, are six guineas a-year for the preparatory school, eight guineas for the higher school, and ten guineas for those who learn French. Such is a general sketch of the prospectus, which has been adopted as a permanent declaration of principles. The spirit of the whole may be illustrated by a quotation from the prospectus of another school of the same kind, established in a different part of England:—

'It is very plain that the use of all education is to fit people for whatever place or position they are to occupy when they are grown up, and to enable them to discharge its duties efficiently. Whatever other occupation a woman may follow when she grows up, she will have more or less of the duties of a family and household to attend to: indeed, most women, after a few years, during which they may be maintaining themselves by teaching, or needlework, or some other kind of industry, marry, and have no longer any other than the general duties of a family to fulfil; so that whatever helps them to discharge these rightly is valuable, and no girl in any rank of life is properly educated who has not been fitted for them. In order to fill her proper station, a woman should have been trained from her girlhood to observe what goes on around her, to reflect, and to exercise a sound judgment. She should know how to form and direct the minds of children, and how to deal with people of different characters and suit herself to them, for it is the want of this knowledge that makes many a home unhappy. She should understand for what high pur-

* Another very good mark of distinction would be the employment of adult instructors, to the exclusion of pupil-teachers.

poses life is given us, and what responsibility lies upon us to use it aright; and her mind should be so trained and regulated as to raise her above petty feelings and low prejudices, and vulgar and frivolous tastes. For this purpose her understanding and her taste ought to be cultivated, and she should learn, so far as her time and the means of her parents allow it, whatever will open sources of pure and rational enjoyment to her, and make her a useful and pleasing member of the society to which she belongs.'

2nd. As to our mode of proceeding, we set out with the conviction that the institution must be self-supporting, and that if it did not become self-supporting within a fair time of trial (we allowed two years), we would regard it as unsuccessful, and consider the propriety of giving up the enterprise. We also made up our minds not to proceed at all till we had 1000*l.* in hand. We began, in fact, with a horror of debt; for it is true, however vulgar it may sound, that even in philanthropic works, pounds, shillings, and pence are the test of success. We obtained 1200*l.*, and a guarantee fund of 200*l.*, from the contributions of various persons, whose approval of the undertaking was secured. Then we took a house conveniently situated, with a large drawing-room and dining-room, a yard of moderate size, and a good kitchen below stairs. We fitted up these premises as a school for 100 girls, with three school-rooms, and places for bonnets, cloaks, and books. We appointed a lady superintendent (the most important step of all) and two assistant mistresses, who live together as a family in the house, which is large enough for a house and a school.

3rd. The results are these. The school became self-supporting within a period considerably less than the time on which we calculated. Our general estimate of expenses was proved to be correct. Exactly three years are now expired since the opening of the institution, and the numbers in successive quarters are as follow:—36, 59, 64, 69, 72, 80, 86, 78, 84, 91, 103, 97, showing a continuous increase, except in the quarters succeeding the Midsummer holidays, which, in Liverpool schools at least, are usually noticed to exhibit a decrease. It is true that we have suffered a great calamity in the sudden death, very recently, of the lady superintendent. But this change has caused no diminution of numbers. The school is evidently established in public confidence and esteem.*

I turn now to what can be done, and has been done, on the same independent and self-supporting principles, though without any communication, in a country neighbourhood. The evidence which I adduce is that of a clergyman, the Rev. E. Duncombe, now rector of a parish in 'the cheese district of Cheshire,' but for twenty-one years rector of Newton Kyme, near Tadcaster, in this county, the near relative of a former representative of Yorkshire, when the three Ridings were one constituency, and himself identified with the early struggles connected with the Yeomen's School at York, when, I believe, he advocated (in harmony with the principle which he has

* The numbers have risen to 107 in the last quarter of 1859.

always maintained concerning the middle classes) its entire separation from all Government assistance. He describes himself as a 'thorough-bred Yorkshireman,' and he writes like one. He concludes one of his letters thus :—'I bid you heartily God-speed in your paper to be read at Bradford, fully persuaded in my own mind that the more you appeal to self-respect in my fellow-county-men and to self-supporting principles in our middle class educational institutions, the more will their hearts and minds go with you.' It is natural for me to quote this, as I am a Yorkshireman myself, and a West-Riding man too.

A few sentences, put together from several letters with which I have been favoured, will adequately show the whole case as regards the condition of things which Mr. Duncombe found in his parish, the method of procedure which he adopted, and the results which have been attained.

On coming into his parish he found the children of the farmers and the children of the labourers educated together, and discontent prevailing among the farmers in consequence of this admixture. They said, that if their rector could not make the attempt to establish some separate school, they themselves must do it. Thus Mr. Duncombe was induced to enter upon the undertaking. After an experimental year in 1854, certain adaptations of school and cottage premises being made, the present school was organized in 1855. The quarterly fee is 21*s.* for day-pupils. For boarders under ten, 30*l.* per annum are paid, and for boarders above that age, 40*l.*, with a reduction when there is more than one child from the same family, or in the case of the daughters of clergymen. Many objections were made in the first instance. It was said that the rector was dissociating the children of the lower and middle classes, which, till he came, had been always schooled together in the same room and under the same master and mistress. The poor cried out, 'You are emptying and breaking up our schools while we die of poverty.' The rich argued with their farm tenants to be content with mixing their children as hitherto with those of their labourers and servants, 'though the rich themselves not only will not, and do not do so, but would feel insulted to have the mixed system urged upon themselves for their own children.' The new school, however, was thoroughly and rapidly successful. It became self-supporting in the year in which it was established. An additional cottage has been taken in the present year (1859), for the purpose of taking additional boarders. The pecuniary results are shown by the following contrast—'Under the mixed system less than 40*l.* was paid discontentedly and prejudicially by all the parents using the national school. Since the introduction of the middle class distinct self-supporting school, the number of scholars (parishioners) has increased ten to twenty per cent., and the sum paid by parishioners has increased from less than 40*l.* a-year to more than 100*l.*' And Mr. Duncombe adds, that if 21*s.* a quarter is found too little to retain the lady who is now at the head of the school, the middle class parents are prepared to make further exertions. As regards the change of feeling in the parish, an earlier

letter expresses the matter thus—'The poorer people see that I was right, that the time is come when the same instruction no longer suits for the social advancement of the children of the two classes respectively. Self-respect is seen to be growing in each by this adaptation of instruction to their mutual interests in society. The sons and daughters of my farm parishioners grow up naturally masters and mistresses, able to command the attention and respect due to the middle class position from the lower; and the lower yield it to qualifications and dearer bought privileges and position, which they see are equally open to their children and children's children when by industry and good conduct they are raised to the middle class themselves.' The two principles of self-support and self-respect are reiterated by Mr. Duncombe in every form of expression. He holds it to be 'a public wrong, for the middle classes to accept Government aid towards the instruction of their children.' He says that it is 'derogatory to them to have their sons and daughters called the charity children of the State,'—and that it is 'unconstitutional in this free nation to vote for public taxation for this purpose through our representatives in our House of Fellow-Commons.'

Here those who are acquainted with the history of education in England during the last ten years will not have failed to notice that the independent, self-supporting principle on which Mr. Duncombe has proceeded is quite the contrary of that mixed system which the Dean of Hereford pursued with so much success at King's Somborne, and which he has advocated, for many years, with so much consistency. A question of considerable interest is opened here, which I shall certainly not attempt to discuss at length. Probably it is true that very different methods, in many of these practical enterprises, may lead to very good results, if only they are pursued with zeal and perseverance. I will just say this (and I do not think that the Dean of Hereford, if he were here, would object to it—and certainly no one has a greater repugnance than I have to the vulgar feeling of caste which disfigures so much of our social intercourse), that I believe great reliance is to be placed on what Mr. Duncombe calls 'middle-class, self-supporting, honourable ways.'

I have now laid before you the experience of two Yorkshiremen in regard to girls' schools, and shown what has been done, separately, as I have said, and without communication, in Lancashire and Cheshire. In fairness, I must say that, in both cases, I believe a large amount of the success has been due to the character and energy of the ladies respectively placed at the head of the two establishments; and also to the confidence, as regards religious teaching, inspired by Mr. Duncombe, the rector of the parish, in the one instance, and by Mr. Wilson, the clerical honorary secretary, in the other.

There are just two points which I am desirous to notice in conclusion. One relates to the delicacy and consideration with which we ought to deal with what we have called the middle classes: the other to the delicacy and consideration with which we ought to deal with girls

in the matter of education. Care and mature judgment are required in both cases.

The middle classes have this in common with the lower, that they have to struggle with difficulties—that they have little repose, and little time for thinking out theories of education, and that they keenly feel the need of thrift and economy. But they have this in common with the higher classes, that in spirit they are very independent. What is offered to them, even in the matter of education, must not be offered as charity; except, indeed, in the good old Bible sense of charity. There must be no attempt at dictation. But it is quite right that the higher classes should extend to them the benefit of a judgment matured in the midst of greater leisure, and the suggestions derived from a higher culture: and this kind of assistance they will readily accept. This is according to the true principles of social science in a free country.

As to the girls themselves, it cannot be too carefully remembered that their education ought to be viewed in reference to its ultimate effect on their character; that it ought to be feminine throughout, and that special provisions are required for this purpose. Thus, I would leave as large a portion as possible of the instruction and training in the hands of female teachers. It seems to me that women are the true educators of women. This topic would lead us, if we had time, to various collateral topics, such as the supply of well-qualified mistresses of a higher order.* The institution of Queen's College, London, is, no doubt, known to many in this room. I wish its condition and capabilities might sometime be brought before this Association by some of the ladies who appreciate it, and labour for it.

In connexion with this point I have one more remark to make. It seems to me that in the process of forming the character of our girls, the stimulus of prizes, and the excitement of competition and of public examinations, ought to be used within very close restrictions. I believe the results of such means are very different in the case of the youth of the two sexes. The benefit of their action upon boys is extreme. With them nothing promotes friendship so much as the having had a desperate struggle for an intellectual victory, whichever be the winner. But, so far as I have observed, girls are apt to misconceive the whole import of prizes. But here I would rather use a lady's words than my own.—'I would much rather not have any prizes. After a great many years' experience, there is hardly anything I am more convinced of now, than that by far the best schools for girls, as to feeling and character, and I think as to well-principled industry, are those where rewards have never been thought of. The moment they are introduced, you have to struggle against low motives.' Even of marks, she says, 'A clever girl may get an im-

* A middle class school of the kind which I have described might be expected to educate many governesses with useful attainments and well-formed character.

mense number, and yet be vulgar, low-minded, and objectionable. For girls, the grand thing seems to me to be to avoid display, or over-excited ambition, while clever teachers will always know how to preserve order, and interest the pupils.'—I dare say, indeed I firmly believe, that this is too strongly expressed. But the other extreme is far more dangerous. Sometimes our meaning is best explained by contrast. I have here an account of an annual examination of a girls' school. A large concourse of professors and civic authorities were present. The pupils were 'subjected to a searching examination in mathematics; solos and duets were performed at single pianos, and pieces of greater difficulty at two and three pianos.' At the close of the prize distribution, the annual prize poem, 'the production of one of the young ladies,' on the 'Heroine of Scutari,' was read. 'The reading of the poem produced a deep impression, and elicited much applause;' and, it is added, that 'the whole exhibition indicated a just appreciation of the importance of so wholesome a means of testing the progress and attainments of the pupils.'—And here I have the account of a similar anniversary in another institution. The pupils were 'under examination for three successive days.' There were 'choral performances in which the young ladies were loudly applauded; and the programme was varied by recitations elegantly delivered in French and German, concluding with a Turkish air.' It is stated, however, with regret, by one of those who were present, that, 'in the public examination of classes of ladies, there is always a timidity which embarrasses the pupils and disconcerts the teacher.'—Now, who could possibly desire that this should be otherwise? Who could possibly desire to see our girls turned into boys?

On Domestic Tuition; or, On the Nature and Extent of the Duties incumbent on Domestic Tutors. By PROFESSOR PILLANS.

IN the wide field of education which this section proposes to explore, there is one corner, small in extent but not unimportant in its bearings, to which public attention has not hitherto been called, either here, or, as far as I am aware, anywhere else. I refer to the subject of domestic tuition, and to the nature and extent of the duties incumbent on private or domestic tutors. They form a class of teachers numerically inconsiderable as a part of the great staff of public instructors, and the number of their pupils bears a still smaller proportion to the entire body of British youth. But it ought to be remembered that the pupils who are trained, either in whole or in part, by domestic tutors, belong to a class whose bearings on society are infinitely diversified, and that it is impossible to calculate the amount of good or mischief that may be done by the better or worse training, in early life, of individuals who, by their wealth, station, and influence,

operate most powerfully and extensively on the condition of their fellow-subjects.

In all I have to say on the qualifications requisite in a private tutor, and the duties incumbent upon him, I take it for granted that his task extends over the whole life and conversation of his pupil; that the prime object, in short, is to regulate his moral habits and principles rather than to increase his learning. For let us attend for a moment to the difficulty and delicacy of the trust reposed in a tutor. In order to convince the understanding and influence the conduct of a very young boy a quite different process is necessary from that we should employ with a grown man. In the endless variety of incidents resulting from the intercourse of adults with one another, much sense, temper, and tact are indeed indispensable, but there are certain principles, mutually understood and recognised, on which all grown men in possession of their senses are agreed to act. In dealing with the young, however, we can seldom set out from acknowledged data; they have almost everything to learn, and frequently, too, a great deal to unlearn: with them we must create habits, not avail ourselves of those already formed. It is evident, therefore, that even in the very threshold of the business, when the treatment is directed to that curious part of our mental nature—habit—we require in the tutor that he shall himself have correct notions of what is proper and improper in conduct, and a corresponding deportment; constant vigilance in detecting aberrations from right in himself as well as in his pupil; infinite patience in explaining, and firmness in correcting, faults; and such absence of passion and caprice as may lead the pupil to feel that his tutor's conduct is regulated not by the humour of the moment, but by steady and unvarying rules. All these are prerequisites, and though we can scarcely expect them all in one individual, still it is not the less useful to hold up a standard of unattainable excellence. Incessant efforts to reach it will produce the happiest effects both on tutor and pupil.

The duties of a private tutor divide themselves into three kinds, according as they relate (1) to the moral training of the pupil; (2) to his progress in learning; (3) to the tutor's deportment in the family where he resides. I shall speak of each of these heads in their order, and first of the *moral* training.

There are few situations in life which, to a mind of right feeling and high principle, involve a more nervous responsibility. From the moment the tutor enters the family, he can scarcely help thinking every action of his pupil identified in some measure with himself, and, when the boy is openly guilty of any flagrant impropriety, he feels it more acutely than the culprit himself. Then follows the private remonstrance; and upon the manner of setting about this depends their mutual comfort, and the boy's improvement. If the censure is conveyed in terms of irritation and unmeasured abuse, if it shall appear that it proceeds more from the soreness which the tutor feels at the exposure of his own inefficiency, than from regret for his pupil's misconduct, the boy, naturally disposed to palliate his own

fault, and finding probably that his parents do not regard it in the same heinous light that his tutor does, will divine, with the shrewdness peculiar to boys in such matters, the real though concealed cause of the tutor's severity, and be thus confirmed in his evil practices. Now, the probability is, that the tutor *has* exaggerated the offence; at all events, he is far more likely to correct the propensity to evil by subduing his sense of its enormity, and affecting even more calmness and indifference than he feels. Much is gained by good-humoured raillery and gentle remonstrance. He will thus lead the boy to say something in his own defence, instead of listening in sulky and unconvinced silence to his tutor's reproofs; and, if you once get him to reason the matter with you, he will secretly feel that he is foiled in the argument, and although he may dislike to confess himself in the wrong, he will be found afterwards more on his guard against the repetition of the offence. All this, however, supposes in the tutor considerable judgment and dexterity, and, above all, perfect command of temper. This last requisite I regard as the most indispensable.

The relation between tutor and pupil in this country is of a very peculiar nature. Generally speaking, instruction in the learned languages is both ostensibly and really the prime object for which the engagement is originally made. Now, as this study has the reputation of being a difficult one, and in its elementary parts is in truth, as generally taught, not a little forbidding, the pupil, who has always a more or less distinct notion of what is preparing for him, eyes his tutor at first with a degree of jealousy and distrust, often amounting to dislike. This prejudice, if not engendered, is at least very often intensified by the thoughtlessness of parents in the remarks made to the boy immediately previous to the arrival of the tutor. They are thus brought together, tutor and pupil, under evil auspices, and immured in a room, the former with high and perhaps extravagant ideas of the value of learning, and the latter with an instinctive horror of a Latin book; so that if there is any irritability in the composition of the preceptor, the train is soon laid for an explosion—and this is more likely to occur in proportion as the tutor is keen and conscientious in the discharge of his duty. Such a tutor feels deeply the responsibility of the trust. He recollects, too, the laborious steps by which he himself mounted to his present acquisitions; and it is difficult for flesh and blood, meeting with languor and inertness, and repeated instances of what appears to him culpable negligence and indifference, to refrain from giving way to impatience, to passionate remonstrance, and it may be to blows.

It is difficult I admit, but it is possible, and it is indispensably necessary, whether he consult the good of his pupil, his own present comfort, or his future prospects in life. Let him summon to his aid religion, philosophy, duty, and interest: for the foul fiend must be crushed. Let him have ever present to his mind the vast difference between the circumstances his pupil is placed in and his own at the same age; and, above all, let him be careful not to confound want of will with want of ability. To punish or be angry with a boy when

the defect is nature's and not his, is a combination of injustice and inhumanity which would appear incredible as the act of a rational being, if it were not unfortunately so common. But whether the want of success in study proceed from disinclination or incapacity, the worst way to cure it is violence and passion. Against this I would warn as against a quack medicine, which, being easiest had and most readily applied, is too frequently resorted to, to the infinite detriment both of the administrator and the patient. What is the best mode of cure is a question that must be decided by the character the tutor has to deal with; and to the study of *that* a tutor should apply himself with the same calmness and the same earnestness as he would to the solving of a mathematical problem. Indeed, I know few better means of resisting the Arch-enemy than for the tutor to regard the mind of his pupil in the light of a piece of fine clockwork, not wound up, and a little deranged in the machinery, which it is his business to put in order, to set a-going, to regulate and repair from time to time, while he is with it, and, as far as can be done with so delicate a piece of machinery, to warrant it sound when it goes out of his hands.

Upon the whole, it appears that the moral training of the pupil must go hand in hand with the wholesome discipline which the tutor should exercise over his own mind. He must be 'exact his own defects to scan,' and rigorous in self-examination and correction.

He will thus have the satisfaction of making the pupil unconsciously instrumental in carrying on the moral discipline of his own mind, while at the same time he will allure his pupil to good conduct by example, which is always more effectual than precept.

(2.) With regard to the second division of the tutor's duties—the pupil's advancement in learning—so much depends here on capacity and previous instruction, and on the views which the parents entertain with regard to the future destination of their son, that I cannot pretend to do more than throw out a few general directions, leaving the course of reading and instruction to be determined by an attention to the particular circumstances of the case. And, first, it is obviously of primary importance to do away with the rooted prejudice existing in the boy's mind against the tutor. This must be the work of time, and the tutor should guard against confirming it at the outset by too sudden a display of grammar, dictionaries, and the other uninviting apparatus of a schoolroom. Let him not think the first days of their acquaintance ill-spent in gaining his pupil's confidence, in studying his character as developed in his usual occupations and sports, and in exciting indirectly his ambition to enter upon and excel in other exercises which boys of his age are engaged in. The first lessons should be short, not prolonged to fatigue, and seasoned with as much amusement and anecdote as the teacher has at his command. A dexterous use should be made of every motive to exertion that is likely to act upon the mind of the boy. The force and influence of the motives he can employ must depend greatly on the plan laid down by the parents for the boy's education. The most favourable case for

the tutor is when the pupil is attending a public school, where the principle of emulation is well brought out and worked upon by all the hopes and fears which alternately sway the schoolboy's breast. The most unfavourable case we can suppose is when the pupil happens to be an only son, to be educated privately, with the prospect of some fortune, and no prospect, or but a distant one, of being sent to school. In such a predicament the tutor has first of all to hope that the boy may be one of those rare spirits, liberally endowed by nature, who, finding little difficulty and vast delight in acquiring knowledge, are fired with an eager and restless curiosity, and spring forward in the career of study with an alertness that never flags; and that man is unworthy of his own extraordinary good fortune who, being chosen to enact towards a highly-gifted pupil the part which Aristotle did to Alexander the Great, can look upon his duty to him as second in importance to any other object which he either has or can have in this world. But if, on the other hand, the tutor happen to be coupled with a boy of ordinary, or even very slender capacity, let him not be discouraged: his task, if less glorious than the other, has also less risk and less responsibility. But it has its difficulties. To stimulate a mind naturally sluggish by such gentle provocatives as shall interest and not disgust it—to invent motives that shall have a powerful effect on the torpor of a single pupil—is by no means an easy task. The most useful advice I can give in such circumstances is to cultivate assiduously the moral part of the pupil's mind, to gain his affections by taking part in his schemes of business and amusement, and thus to satisfy him that you have his interests at heart. You will in this way, if your pupil be of a generous and gentle nature, create the desire of gratifying and fear of offending one whom he loves and respects, and you will thus bring docility and good-will in aid of deficient ability. When, however, the tutor thinks fit to engage in the sports and amusements of the pupil, considerable dexterity and management are required to combine the good humour and familiarity which this condescension implies with that superiority and inflexible firmness which ought to be maintained. If the union can be effected and preserved unbroken, it gives the tutor an immense advantage, particularly in vanquishing preconceived dislike. It may therefore be proposed, as one of the problems to be solved by a tutor, so to unite good temper and firmness, as that the former shall make him beloved, while the latter makes him feared and scrupulously obeyed. There must be nothing wavering and uncertain in the orders and injunctions of the tutor. After being well weighed, and gravely and deliberately issued, they must be temperately and rigorously enforced. And this firmness, which is quite as essential as command of temper, is indeed founded upon it. Firmness cannot be maintained but upon the basis of good temper and unimpassioned calmness.

Another advice I would tender on this branch of the subject is not to stick too rigidly to a certain distribution of hours. If the pupil can be brought to do the same quantity of work which he usually does in two hours in half that time, by the assurance of being released when the

work is done, it is quite clear that to continue him longer is unnecessary, nay, even mischievous. I say mischievous, because it encourages a method of doing things in a languid and slovenly manner, and leaves little chance of producing that habit of intense application to the business in hand, the acquisition of which ought to be the prime object of education. I am convinced that there is no more fruitful source of mediocrity in talent and acquirement,—no more effectual way of levelling all distinctions of intellect and industry, than the established practice, both in schools and families, of confining the pupil for a stated number of hours, whether he does his best or his worst; and I fear we must lay blame in both cases chiefly upon the parents, who being little conversant with the business of education generally, measure the value of the instruction by the time the teachers and the taught are together.

In domestic tuition the remedy should be applied as soon as the tutor has satisfied the parents that he is influenced by no desire of saving his own time and labour. Then he may boldly enter upon the explanation of the principle above stated, and it is so obvious, that the parent must be a very unreasonable person who does not see its force and admit its propriety. The gaining of this point will also increase tenfold the tutor's favour with his pupil, for he, being kept in full employment all the time he is in the schoolroom, will very soon lose the dislike he had conceived for lessons, and will look forward without aversion, it may be with satisfaction, to those 'graver hours that bring restraint to sweeten liberty.'

The truth is, and it is a truth on which hangs the whole art of teaching, public and private, that when a boy has a task prescribed to him not above his powers, and a sufficient reason for engaging in it, —in other words, something to do, and a motive for doing it, he is just as happy in the strenuous exercise of his intellectual faculties in school or in his closet as in the exertion of his muscular agility in the playground; and all the misery that is felt and complained of in schools and schoolrooms arises, not from the nature of the thing taught, but from the inability of teachers to comprehend this truth, and reduce it to practice.

(3.) The third branch of a domestic tutor's duties which I proposed to touch upon, is that regarding the manner in which he should comport himself in the family where he resides. The footing on which he stands varies so much, according to the character of his employer, that there can be no precise definition of his *status* in society. Hence he is generally regarded as occupying a sort of debateable ground, an isthmus that connects the higher and lower parts of the establishment. One effect of his undefined and uncertain position is to beget in him a more than ordinary jealousy of what he conceives to be his rights. Afraid of being in any degree confounded with the menials, he bristles up at the slightest appearance of neglect. Hence, too, an aptness to take offence when none is intended. Again, in consequence of the somewhat ambiguous and insulated position which the tutor holds in the family, he is exposed to the one or the other

of two dangers, according to the frame and temper of his own mind,—either to stoop too low, and surrender his independence, or to assert it in a way that savours of ill-breeding and vulgarity. It undoubtedly depends greatly on the master of the house to give the tutor his proper place, and to set him so much at his ease by his polite attentions, as to allay any feverish sensibility he may chance to have; and if the parent well understood his own interests and his child's, there would be fewer instances of failure in respect and observance to him on whom is devolved so important a charge. But it is evident that when a parent introduces into his house and to his table a stranger with whom he has few ideas in common, and of whom he seldom has any knowledge but from recommendation and report, it is not for his own sake he does so. On the contrary, he thus makes a sacrifice of his own habits and inclinations to what he conceives to be the advantage of his children, and feels that he is submitting to a smaller evil for the sake of a greater good. The tutor, conscious upon the general principle that there is room for a prejudice against him, must be prepared to remove it, by interfering as little as possible with the domestic habits of his employer. Recollecting that he is there for a specific purpose, his great object should be to execute that purpose well, and in every other respect to conduct himself in a manner so quiet and unassuming as not sensibly to alter the habits and occupations of the family circle, unless it be to make his pupil a more agreeable member of it, by correcting his faults and improving his manners. As soon as this improvement is perceived, a good foundation is laid for more confidence and familiar intercourse with the other members of the family than he, as a stranger, can expect at first.

Again, in this, as in many other situations of human life, the less you demand the more will be conceded; and, *vice versâ*, the more importunate you are, the less disposition will you find to grant what you ask prematurely. Who has not observed the operation of this principle on a dense crowd, when any one pushes forward without a right of preference, how each man almost instinctively squares himself, and exerts the sharpest angles of his two elbows to resist and push back the intruder? Let the tutor, then, know his place: it is one which in the abstract is important and respectable, but whether it shall be so in any given case will depend on the conduct of the individual who fills it. Nothing affords so sure a protection against insult, or the overbearing insolence of superior station, as calm and respectful civility. It will require great brutality indeed to encroach upon the distance at which such civility keeps the assailant. To take a strong case, let us suppose frequent interference with you in the practical details of your teaching, for as to the general objects to be kept in view the parent has of course the sole right to prescribe. Such interference in the details of your teaching looks like an invasion of your particular province; and it is in all probability teasing and vexatious enough: still, instead of fuming and fretting, and being querulous, you are bound to consider the interest the parent has in

his boy, to listen coolly to all he has to say, and to state dispassionately your own views. And if your respective notions should be irreconcileable, you retire with much better grace on a point of conscience than a burst of ill-humour.

It may be thought that in some of the advice I have tendered on this branch of my subject, I have recommended a sort of pusillanimous and pliable virtue—a virtue that accommodates itself to circumstances, and shuns a distinct, manly, and open declaration of sentiment at all times, and upon every subject. If there be any one who thinks this uncompromising avowal of opinion essential to the character of virtue, and who cannot be happy without the privilege of delivering openly and maintaining stoutly decided opinions upon every trifle, and would think it a surrender of independence to do otherwise, let me earnestly advise him never to think of being a private tutor. It appears to me that the course recommended all along is the only one well adapted to preserve real independence; and what can be truer independence than constant self-possession? A true spirit of independence is shown by the steady prosecution of what is for the good of your pupil, and by bold and temperate remonstrance against all that threatens to defeat your purpose of improving him, whether it arise from obstinate habits on his part, or from false indulgence or other mistakes on the part of the parents themselves.

To this conclusion, then, we come at last, that in this, as in every other station, the truest freedom and greatest happiness are found in the conscientious discharge of the duties of the hour that passes, and in the exercise of a severe control over every passion and every feeling that rebels against the supremacy of reason and principle. It is the attainment of this self-command and well-balanced mind which alone can entitle us to exclaim triumphantly, with Horace and Pope,—

> Let land and houses have what lords they will,
> We will be fixed, and our own masters still.

THE EDUCATION OF THE WORKING CLASSES.

I. Adult Education.

On Working Men's Colleges. By David Chadwick, F.S.S., *Salford.*

THE establishment of Working Men's Colleges presents a new phase in the means afforded to the working classes of improving their education and acquiring knowledge. The classes in mechanics' institutions are mostly attended by youths under the age of 16 years. It has generally been found that young men and adults have a strong objection to attend classes for instruction along with youths, and hence mechanics' institutions have, in some measure, failed to effect one of the main objects of their original promoters. The perception

of this defect in mechanics' and other similar institutions, has given rise to Working Men's Colleges, with the view of providing for persons above the age of 16 years the means of self-culture, and of improving, by systematic study, the imperfect education which they may have received in their youth.

A Working Men's College also offers the opportunity of including a more extensive range of studies than is usual in mechanics' and other similar institutions. The subjects generally taught in Working Men's Colleges include, besides the usual elementary branches of education, classes for the study of languages, political and social economy, mechanical and architectural drawing, mathematics, as applied to mechanics, hydrostatics, and astronomy; physiology, geology, botany, logic, elocution, and book-keeping; and, in some instances, the college arrangements include a reading-room and library, a Bible class, an essay and discussion society, and a common hall. This wide range of subjects for study, and this intimate relationship between teachers and students, and a conviction of the practical usefulness of such efforts, have induced many persons of superior education and skill in teaching to offer their gratuitous services as teachers of classes in Working Men's Colleges. The importance and value of such efforts, it is presumed, no one will dispute. The question then to be considered is :—What is the best mode of establishing, and of working and managing, such institutions?

In considering this question, it is proposed to glance briefly at the constitution and management of some of the colleges now established, viz. :—

The	Sheffield People's College,		established,	Aug. 11th, 1842.
,,	London Working Men's College		,,	Oct., 1854.
,,	Cambridge	,,	,,	Oct., 1854.
,,	Halifax	,,	,,	March, 1856.
,,	Ancoats (Manchester)	,,	,,	Jan., 1857.
,,	Manchester	,,	,,	Dec., 1857.
,,	Wolverhampton	,,	,,	Oct., 1857.
,,	Salford	,,	,,	May, 1858.

The People's College at Sheffield, established in 1842, by the Rev. R. S. Bayley, an Independent minister, was the first example of the name of 'College' being used for adult classes specially intended for working people. Morning classes were established from half-past six to half-past seven o'clock, and evening classes from half-past seven to half-past nine o'clock. Men and women were admitted to the same classes, and the greatest decorum and regularity were maintained. The charge made to each student was 9*d.* per week, and no donations were ever solicited. The classes were continued, with varying success, for six years, until Mr. Bayley's removal from Sheffield to London in September, 1848, soon after which time the number of young men students was reduced to 16. These 16 young men subsequently made a vigorous attempt to re-animate the institution, and by individual exertions, and division of labour amongst those able to teach, they succeeded in reviving the institution, and very con-

siderably extending its means of usefulness. The classes for the study of the subjects formerly taught, also the same system of government were, as far as possible, continued; and the age of pupils was, as previously, limited to 16 years and upwards. A plain and practical code of laws and regulations for the future government of the institution was adopted; the executive power being vested in a committee of 12 members, chosen from the students, Mr. Thomas Rowbotham being appointed the first president. It was determined to adhere to the principle of making the institution not only self-governing, but self-supporting. A public meeting was held in October, 1848, and the objects and mode of government of the college being thus made known, the vigorous efforts of the committee were crowned with extraordinary success. Within one month after this public meeting nearly 200 students entered the various classes, and it was found requisite to establish a system of teaching by monitors, and to adopt other regulations applicable to the increased number of classes. Mr. Rowbotham states that, 'After 10 years' experience (from 1849 to 1859), there has not been a single occurrence to call in question, in the remotest degree, the discipline of the institution, or the decorum practised by the students towards one another.' The average attendance of students has been about 150, from October to March, and about 70 from March to October, in each year; of which number about one-fifth (20 per cent.) have been females.

The charges are *6d.* per month, (with *1s.* per quarter)—or *6s.* per year in advance.

There are 30 teachers who give their services gratuitously. The teachers for French and German are paid. About 40 classes are held weekly.*

The establishment of the London Working Men's College in October, 1854, by the Rev. F. D. Maurice, assisted by a council of teachers, comprising nearly 30 barristers, clergymen, and other professional men, the majority of whom had obtained honours at the Universities of Oxford and Cambridge, was the principal means of calling public attention to the means of usefulness offered by these institutions. In the address and prospectus of the London Working Men's College, issued in September, 1854, by the Rev. F. D. Maurice, the founder, he says:—

'The working men of England are trying, from various motives, and in various ways, to educate themselves. Some of them hope that their class may obtain greater influence in the legislature. They desire that it should qualify itself for that position by the study of laws and of history. Some of them think that there are many maxims of morality current among us which tend to divide and to degrade them. They wish to find out the true principle which binds men together, and shows them what objects they are to live for. Some are impressed strongly with the mischiefs that come to them from their ignorance of the causes which produce disease, and of the best means of securing

* It has been found necessary to omit several statistical tables relating to this and other Colleges, from want of space.—Ed.

health. Some wish to understand better the machinery with which they are working. Some feel what a blessing it would be to them if they could use their voices in singing and their hands in drawing. Some are puzzled with a number of doubts about the world within them and without them, which they dare not stifle, and through which they long to see their way.

'Our college consists of a principal, a council of teachers, and students.

'The government and management of the affairs of the college is vested in the principal and council of teachers, with a casting vote in the principal.

'In case of a vacancy, the principal is elected by the council of teachers, and teachers are elected by the council of teachers and the principal.

'Any working man above sixteen years of age who can read and write, and knows the first four rules of arithmetic, is eligible as a student.

'The college is established especially for manual workers, but we shall refuse no one who is not ashamed to be called a working man, to whatever class he may belong. Possibly very plain gowns may be provided to be worn in classes, both by teachers and scholars, as a sign that they all belong to the same society, and for the convenience of men coming in from their work.

'The entrance fee to the college for each student will be *2s. 6d.* The exact fee for each course will be stated in the programme published before each term, and will vary from *2s. 6d.* to *5s.* a term. The Sunday lessons will be free.' A library is in course of formation.

The number of students in the London Working Men's College at Christmas, 1857, and Christmas, 1858, and their several occupations, were as follows :—

Term ending Christmas, 1857 :—Operatives engaged in trades, 119; clerks, porters, warehousemen, &c., 151 ; total, 270.

Total number of pupils attending the college classes, 270 ; attending preparatory classes, 39 ; number of classes, 16.

There have been 10 classes for women, at which the attendance has varied from 29 to 79 during each term.

Annual examinations are held, and certificates for competency awarded.

The establishment in January, 1859, of an interesting and valuable monthly publication, called the 'Working Men's College Magazine,'* under the editorship of one of the council of the London Working Men's College, has done much good in communicating information in regard to the working of the colleges, and has created a sympathy and bond of union between all such Institutions.

The Working Men's College in Halifax was established in March, 1856, Mr. Edward Akroyd being Principal, and the Rev. C. R. Holmes, M.A., the President. It is governed by a council of teachers,

* Published by Macmillan and Co., 23, Henrietta-street, Covent Garden, London.—Price 2*d.*, monthly.

aided by a visiting committee of practical men, with two members chosen by the senior pupils. The charges are 1*s.* 6*d.* per quarter for the general course, and 1*s.* 6*d.* extra for chemistry, and 6*s.* extra for French. The college is divided into two divisions. To the junior division pupils are admitted at 13 years old: to the senior division at 18 years old. There is a library of 4000 volumes, and a reading-room, and a recreation ground, with cricketing apparatus, &c., and there are frequent social gatherings. Women's classes are held in a separate building, and consist of two divisions, one from 13 to 16 years old, and the other from 16 years and upwards. The average number of pupils attending the women's classes during the year ending Easter, 1859, was 63. Besides classes for reading, writing, and arithmetic, there are also classes for singing, with 24 pupils; cooking, 25 pupils; and sewing, 65 pupils. The total number on the books was 115: the ages being from 13 to 16 years, 41; from 16 to 18, 38; above 18 years of age, 36. Social meetings of the members and friends are held occasionally. The total number on the books at Easter, 1859, was 171. The average weekly attendance was 118. The average evening attendance, 72.

The number of students in the various classes at Easter, 1859, was as follows—viz.,

	Seniors.	Juniors.	Total.
Arithmetic and Algebra . .	50	90	140
Reading, Writing, Grammar, and Composition	62	46	108
English History	12	30	42
Geography	16	30	46
French	5	11	16
Chemistry	8	15	23
Vocal Music	12	18	30
Theology	—	—	9
		Total	414

No better proof need be adduced of the efficiency of this college, than the fact, that at the Society of Arts' examinations, in 1858, 16 certificates were awarded to its pupils. It must, however, be added, that in this college the system of gratuitous teaching does not prevail, as Mr. Akroyd has hitherto liberally paid the salaries of the various teachers.

The Ancoats Working Men's College (Manchester) was established and opened on the 27th of January, 1857, mainly through the influence and exertions of the Rev. Canon Richson, the rector of St. Andrew's Church, Ancoats, who kindly placed the large and commodious schoolroom in Tame-street at the service of the Rev. Mr. Allen, Mr. Henry Duffey, a mill operative, and Mr. N. Underwood, the chief promoters of the institution. Students of the age of 15 years and upwards are admitted. The fees payable are 2*s.* per month to all the classes of the college; or to the elementary classes only, 1*s.* per month. The drawing class is 4*d.* per month extra, and the subscrip-

tions of members of the college to the gymnastic section, *6s.* per annum. Non-members of the college are admitted to this section at *8s. 6d.* per annum. It has the use of a large field at a rental of *6l.* per annum, and provides the means of playing at cricket, skittles, quoits, and football. This section has been found very valuable in keeping the members together during the summer vacation. The course of instruction in the classes is divided into three terms, of about twelve weeks each, during the year. The summer vacation extends from Whitsuntide to the first week in October. The management is vested in the committee, consisting of the teachers of the various classes, and the president, two vice-presidents, and the treasurer of the college. There are sixteen teachers, who give their services gratuitously, of which number one-half are working men, who teach the elementary classes.

The number of students during the first term, from January 27th, 1857, to May, 1858, was 382, their ages being from 15 to 40 years. Their occupations were as follow :—

Employed at machine and engine works . . .	86
Mill or factory operatives	36
In shops and offices	51
Building trades	18
Dye-works, print-works, stonemasons, labourers, weavers, packers, and 1 policeman	158
Not specified	33
	382

The following statement shows the average attendance of the students at the various classes in the first and last term of the college.

	Average attendance first term, ending May, 1857.	Average attendance last term, ending June, 1859.
Elementary classes	100	53
Mathematical classes . . .	18	19
Latin class	10	2
Drawing classes	24	16
Gymnastic section	—	40
French	—	5
Phonetic shorthand	—	12
	152	147

This college has hitherto been in every respect self-supporting.

The Manchester Working Men's College was established in December, 1857, mainly through the influence of Professor Greenwood, who is the Principal of the College, Mr. Oliver Heywood being President, and Mr. J. H. Nodal, the Secretary. The classes are held in the rooms of the Manchester Mechanics' Institution. By way of compensation for rent and gas, the members of the Mechanics' Institution are admitted free of entrance fee and at one-half the

usual class fee. No persons are admitted students of the college who are less than fifteen years old. The subscriptions and fees are: entrance, 2*s.* 6*d.*, and a fee of 2*s.* each class per term. There are three terms each year. Each term consists of about ten weeks. Soirées and social meetings are held occasionally. Examinations are held annually. The college is managed by a council, consisting of the teachers (all of whom give their services gratuitously), together with a number of other gentlemen selected from the donors and subscribers to its funds. This college is an example of a large amount of good being accomplished at a small pecuniary expense, by using the class-rooms of the Mechanics' Institution.

The Working Men's College in Wolverhampton, of which the Earl of Dartmouth is the President, and Mr. J. N. Langley, the honorary secretary, was originated by a few earnest working men, and opened in October, 1857. During the first year, the average number of students each term was about 60. Thirteen classes were opened; the minimum age of admission is sixteen years. The charges are, entrance fee, 2*s.* 6*d.*, and 2*s.* per class per term. A library of 200 volumes has been obtained. Nearly all the teachers give their services gratuitously. The receipts and expenditure during the year were: fees, donations, &c., 110*l.* 14*s.* 8*d.*, expenditure, 91*l.* 5*s.* During the second year, ending September, 1859, there were three terms of ten weeks each, the number of pupils in the classes were, first term, 58, second term, 71, third term, 60. The total receipts for fees during the year was 30*l.* 10*s.* The council of the college consists of the teachers and donors, who fill up vacancies. No classes for women have yet been established.

The Salford Working Men's College, of which Mr. E. R. Langworthy is President, and Mr. George Parry, honorary secretary, was established in June, 1858, and as it is in some respects remarkable as the result of an expressed wish on the part of working men to avail themselves of the privileges which such an institution would afford, the relation of its origin may, it is hoped, produce similar efforts in other towns.

At a lecture in the Salford Mechanics' Institution in April, 1858, at which the writer presided, he called the attention of the working men then present to the Working Men's Colleges established at Sheffield, London, and Manchester, and expressed his belief that competent gratuitous teachers could be found if 100 working men specified their desire to have such a college established. The meeting decided at once to consider the subject, and subsequently held two meetings, and appointed a provisional committee of 32 working men to mature the scheme. Upwards of 100 members soon enrolled their names as willing to become students, and the draft of a constitution submitted for their consideration by the writer was agreed to. A meeting was then held, of gentlemen willing to assist by pecuniary donations, or as gratuitous teachers, at which the Mayor of Salford (Mr. Wm. Harvey) presided: the proceedings of the Working Men's Committee were read, and the constitution of the proposed college

was approved of and adopted. Thirteen gentlemen offered their services as teachers, and donations to the amount of nearly 100*l.* were promised to defray the cost of the requisite desks, fittings, and class-books. It was then agreed with the directors of the Salford Mechanics' Institution to hire as quarterly tenants such class-rooms as they could spare, and to pay them at the rate of 1*s.* per student per quarter, for rent, coals, gas, and cleaning, and to guarantee to pay for not less that 100 pupils, or a minimum of 5*l.* per quarter. An inaugural soirée, at which Mr. E. R. Langworthy presided, was held in the Town Hall on the 28th June, 1858, at which representatives from the London, Manchester, and Ancoats Working Men's Colleges attended, and aided the project by an expression of their sympathy and approval. One hundred and eighty students entered the college during the first two months.

The following is a copy of the constitution of the Salford Working Men's College :—

1. 'That the objects of the Salford Working Men's College be to enable working men to improve their education and acquire knowledge.

2. 'That the property of the college be vested in twelve trustees.

3. 'That the management of the college be entrusted to a general council, consisting of the trustees, a president, six vice-presidents, a treasurer, and an honorary secretary, together with the unpaid teacher or teachers of each class, and of representatives to be elected by the students of each class, in the following proportions, viz. :—one representative to each class of ten, and not exceeding twenty students; two representatives to each class of twenty-one students; and one additional representative for each additional twenty students.

4. 'That the members of the council, to be elected by the classes, shall be chosen yearly, by the students of each class, at the first regular meeting of such class after the annual meeting in February, and that the person or one of the persons so elected by each class, shall act as secretary of the class, and that each class shall have power to fill up any vacancy occurring in the council by the removal of its representative.

5. 'That each student shall pay a general subscription of 1*s.* 6*d.* per term of three months, and an additional fee of at least 6*d.* per term per class, and that persons of the age of sixteen years and upwards shall be eligible to join the college.

6. 'That an annual meeting of the members be held in the first week of February each year, at which the council shall present a report of the receipts and expenditure of the college, and of its general progress and position. At such annual meeting, a president, six vice-presidents, a treasurer, and an honorary secretary for the ensuing year shall be appointed.

7. 'That the arrangement of classes, the appointment of teachers, and the entire management of the business of the college, be entrusted to the general council, and the committees and sub-committees to be appointed by them.

8. 'That an examination be held once in each year, and that those students who have passed two years in the class, who shall satisfy the examination in not less than three subjects, shall be entitled "Associates" of the college, out of whom a number not exceeding five shall be elected members of the council.'

The principal new feature in this constitution consists in allowing each class to be represented in the general council, thus affording an immediate means of reporting any suggestion or irregularity, of giving vigour and energy to the general government, and of securing unity and good feeling in every department of the college.

The number of members of the college during the first term, from June to September, was 190; the second term, from September to December, 170; during the third term, 172; and the fourth term, ending June 30, 1859, 165.

The following is a statement of the number of students entered in the various classes, and their average attendance during the second term:—

	Number in class.	Average attendance.
Algebra, geometry	14	9
Practical arithmetic	32	22
Latin	16	12
French	32	26
Grammar and composition	37	28
Elocution	26	20
Writing and book-keeping	45	27
Mechanical drawing	14	8
Chemistry	15	10
Geology and natural history	24	17
Rudimentary classes	34	20
	289	199

It is an interesting fact that, in three cases, students have been appointed assistant-teachers in the classes.

Of the 170 members during the second term, the following is an analysis of their trades and occupations:—

	No.
Warehousemen, clerks, and packers	84
Printers, bookbinders, and engravers	12
Draughtsmen and pattern makers	8
Millwrights and mechanics	18
Carpenters and painters	5
Shoemakers and tailors	6
Mill hands and labourers	9
Miscellaneous occupations	28
	170

A statement of the receipts and expenditure of the Salford Working Men's College for the six months ended December 31, 1858, was duly published, and as it affords a good example of the proper mode of exhibiting the receipts and expenditure of working men's colleges, or mechanics' institutions, it is appended on the opposite page.

As the excellent public library, reading-room, and museum at Peel Park are open free to the public, and are within a quarter of a mile of the college, it was determined not to attempt to add any of these branches to the college. The directors of the Salford Mechanics' Institution, though at first not greatly disposed to anticipate a successful result from the operations of the college, became, after six months' observation and experience of the practical usefulness of the college classes, so convinced of their efficiency and capability for permanent success, as to agree to a proposition to transfer the entire building to the council of the college, and to relinquish their functions as directors of the Mechanics' Institution. A subscription was opened with the view of raising 650*l.* to free the institution from mortgage debt, and all other liabilities. This desirable object has been effected, and the council of the Working Men's College have taken possession of the building, and incorporated the classes of the mechanics' institution with the Working Men's College.

By this happy union the college has acquired for the use of its members a small library of 1500 volumes, and a convenient building, which cost in its erection, in 1855, about 2000*l.* exclusive of 495 yards of freehold land, which was presented, free of expense, by the President, Mr. E. R. Langworthy. Six of the directors of the Mechanics' Institution were added to the council of the Working Men's College, with the special object of securing their services in the management of the day and evening classes of the institution, the whole of which are intended to be continued along with the classes of the Working Men's College. The number of students attending the various classes of the joint institution, now called only the Working Men's College, for the quarter ending June 30, 1859, was as follows:—

Boys' Day Schools .	No. of Pupils		81
Girls' Day Schools .	No. ditto		33
Preparatory Classes.	No. of Members	95	
,, ,,	No. of Boys' Evening Classes	5	
,, ,,	No. of Pupils attending such classes each week		99
,, ,,	No. of Girls' Evening classes	5	
,, ,,	No. of Pupils attending such classes each week		39
College Classes . .	No. of Members of the College	165	
,, ,,	No. of Classes meeting weekly	12	
,, ,,	No. of Students attending such classes each week		194
Total number receiving instruction in various classes every week .			446

In glancing at the proceedings of the various Working Men's Colleges which have been established, it is interesting to observe how far the constitution of each college has been fashioned according to the

Statement of the Receipts and Expenditure, by the Treasurer, on Account of the Salford Working Men's College, from June 1, 1858, *to December* 31, 1858.

Receipts.

To Donations*				£100	2	0
College Fees, 1st Term, 190, at 1*s.* 6*d.*	£14	5	0			
Ditto 2nd ,, 170, at 1*s.* 6*d.*	12	15	0			
				27	0	0
Class Fees, 1st ,, 310, at 6*d.* ...	7	15	0			
Ditto 2nd ,, 287, at 6*d.* ...	7	3	6			
	£14	18	6			
Less French Class, 32, at 6*d.*, received by Teacher	0	16	0			
				14	2	6
Books sold				28	13	10
Tea Party and Soirée Receipts				12	12	6
Drawing Instruments sold				11	19	8
				£194	10	6

Expenditure.

By Furniture and Apparatus				£25	17	3
Books for Classes	£31	1	10			
Imperial Dictionary	4	2	6			
				35	4	4
Printing, Stationery, &c.				27	1	4½
Tea Party and Soirée Expenses				20	5	8
Rent, Coal, Gas, and Cleaning				17	10	0
Drawing Instruments				13	2	8
				£139	1	3½
By Balance in Treasurer's hands				55	9	2½
DAVID CHADWICK, *Treasurer.*				£194	10	6

Salford, January 6th, 1859, Audited and found correct,
J. N. POCKLINGTON,
JOHN FRED. MAY, } *Auditors.*

Statement of the Assets and Liabilities of the Salford Working Men's College, December 31, 1858.

Assets.

To Cash in Treasurer's hands	£55	9	2½
Furniture and Apparatus, and Books in hand	25	0	0
Owing by Students for Drawing Instruments	1	3	0
	£81	12	2½

Liabilities.

Tradesmen's Accounts Owing	£ 9	0	0
Balance of Assets	72	12	2½
DAVID CHADWICK, *Treasurer.*	£81	12	2½

* A List of these Donations was printed with the Report of the Inaugural Soirée, held on the 28th June, 1858.

views of their promoters, and the supposed requirements of their respective districts. But as the main features in the efficient management of a Working Men's College may be considered as common to all, it may be useful, in this brief and friendly review, to record a few practical suggestions, which may be of use in the formation and management of such institutions:—

1. To establish a Working Men's College, the things required are rooms to meet in, materials to teach with, and teachers willing and competent to instruct. With these means and appliances, it may be safely predicted that students will be readily found in every town who will gladly avail themselves of the opportunities thus afforded.

2. A commodious Sunday-school or day-school may be obtained, and the classes commenced without much outlay. The Working Men's College at Ancoats (Manchester) is very efficiently conducted in a Sunday-school, the rector of the parish being the president of the college; and the Manchester Working Men's College is held in the rooms of the Mechanics' Institution.

3. In forming a Working Men's College, it is desirable, at the commencement, to frame the outline of a constitution for its government, which may at any future time be modified, as occasion requires. If this be omitted, it may cause some trouble and dissatisfaction.

4. It has been found by experience that the system of government in a Working Men's College, which gives to the students above eighteen years of age a voice in the management of its affairs, along with the teachers and other officers of the college, is best fitted to secure energetic and united action and successful results. This principle has been found to work well in the Sheffield People's College, and in the Salford Working Men's College, and it is recommended as worthy of adoption in the other colleges now in existence, as well as in those which may in future be established.

5. It is suggested that the subscription of membership should be fixed as low as possible, and that an additional subscription be charged for each class. Excepting only the cost of buildings, furniture, and fittings, all colleges should be entirely self-supporting.

6. The annual reports should contain, beside a general review of the proceedings of the college, a statement of the numbers entered and attending each class, with their occupations and ages, if possible, and a separate report from the teacher of each class.

7. It is very desirable to encourage and promote the holding of frequent tea meetings and social parties, at which the teachers of the various classes should take an active part, so as to render them both interesting and instructive; and where the work-people enjoy the Saturday half-holiday, it will be found very agreeable to arrange short excursions into the country, which the teachers of the geology, chemistry, and natural-history classes may render additionally attractive.

8. Wherever practicable, women's classes should be established. The experience of these classes at the People's College, Sheffield, is very encouraging.

In Salford, a lady, the wife of one of the honorary teachers, most

efficiently and satisfactorily taught the elocution class, consisting of upwards of 20 men, from 18 to 50 years of age, for four months, during the interval arising from the removal from town of the regular teacher and the appointment of his successor.

9. Lectures either weekly, fortnightly, or monthly, should be delivered by the teachers and friends of the college during the winter months, on the evening of Saturday, or some other day, so as not to interfere with any of the classes.

10. A common hall and reading-room should, if possible, be provided, where the students can have coffee, &c., at a reasonable rate.

In conclusion, it is hoped that the suggestions now made, in this fragmentary contribution to our experience in the establishment and successful management of Working Men's Colleges, may lessen the difficulties, and in some degree afford encouragement to the efforts of those who may be induced to aid in the dissemination of the blessings of education amongst the classes who have hitherto been unable to acquire these inestimable privileges.

The Mechanics' Institutes of Yorkshire. *By* Barnett Blake, *Leeds.*

It has been frequently asserted that Mechanics' Institutions, so far from realizing the objects for which they were originally established, have been converted into mere literary associations, in which the several advantages of a cheap circulating library, a reading and newsroom, with occasional lectures of a popular character, form an uncertain attraction to the middle classes of our large towns, whilst they have little or no influence on the education or social habits of our mechanics or artisans. However this assertion may apply to other places, it has little or no truth when referring to the Mechanics' Institutions of Yorkshire, the majority of which not only supply the educational wants of working men, but are mainly supported, and, in many instances, managed by them. In most cases, the features before mentioned are similar, but by far the most valuable element of usefulness is the system of instruction by means of evening classes, which in several of the Yorkshire institutions has been brought to a state of efficiency worthy of attentive consideration.

Above thirty years have elapsed since Mechanics' Institutions were first established in the chief towns of Yorkshire, and as their numbers increased, it was deemed advisable that an association of them should be formed, for the advantage of united action, and the interchange of mutual experience. Accordingly, the Yorkshire Union of Mechanics' Institutes was formed in 1837, and though for several years afterwards the number of institutes in association were under twenty, it began to make more satisfactory progress in 1846, and has since then rapidly extended, as will be seen by the following table:—

Year.	No. of Institutes.	No. of Members.	Books in Libraries.	No. of Issues.	Lectures Delivered.	Pupils of Classes.
1846	48	9,034	39,504	175,660	385	1,707
1847	63	12,000	52,926	245,176	No return.	3,682
1848	79	14,105	67,169	250,140	550	3,187
1849	86	15,860	77,360	256,420	617	No return.
1850	109	18,516	82,917	289,271	620	—
1851	117	19,293	91,526	320,467	830	—
1852	123	19,043	95,529	388,202	617	—
1853	127	19,362	101,554	384,272	665	—
1854	127	20,305	107,421	388,251	788	2,160
1855	133	21,080	113,525	386,447	640	3,489
1856	130	21,297	118,623	388,077	694	4,924
1857	130	20,960	126,071	389,983	758	6,064
1858	128	22,600	135,516	390,390	592	7,538
1859	138	24,600	142,888	394,701	692	7,699

In the foregoing table, owing to the incompleteness of returns, it was necessary to estimate those which were deficient, in order that the comparison should be as correct as possible, but it will be observed that, with slight exceptions, it exhibits a steady and satisfactory progress, more particularly in the number of members receiving class instruction, and in the large additions made to the several libraries of books for circulation, the majority of them being of an instructive character.

In the year 1850 the efficiency of the Union was materially promoted by the engagement of a paid agent and lecturer, for the expenses of which a special appeal was made to the liberality of the wealthier classes; and the wisdom of the step has been abundantly proved by the steady prosperity which the Union has since experienced.

With reference to the important subject of evening classes, they form, as will be seen, a prominent feature in most of the Mechanics' Institutions of Yorkshire. In the manufacturing districts, especially, great difficulty has been experienced in extending school education, owing to the many facilities for early employment; and many have been the expressions of regret at the difficulty of finding an efficient remedy. There are abundance of schools, and no want of competent teachers, but the temptation of young hands being able to contribute to the domestic resources is often too strong to be resisted. This evil has led to much anxious deliberation, but, while every scheme to remove the obstacle which impedes a satisfactory school education has been in a great measure abortive, a remedy, to some extent, has been found in the evening classes of Mechanics' Institutions. It is this fact which has caused so much of the class instruction at such institutes to be of an elementary character. In many of them the classes are exclusively of this kind, while in nearly all they occupy a prominent position, and are proved, by their success, to be of great value in their respective localities. There is no doubt that, so long as the defects of early education require a remedy, so long will elementary

classes in Mechanics' Institutions be a necessity; and attention should be directed to the importance of rendering them as efficient as possible.

In some Institutions complaint is made of the want of sufficient accommodation, in others the defect is the want of competent teachers, whilst few, comparatively, complain of the want of pupils, except from the previous causes operating prejudicially. In many Institutes the first want has been supplied by the erection of commodious buildings, and in others great progress is being made in obtaining funds for the same purpose, the money being usually contributed by wealthy persons in the locality, with smaller subscriptions from others, and occasionally a bazaar or an exhibition to make up the deficiency.

With regard to a supply of teachers, many Institutions have to rely upon gratuitous assistance, and though this may serve, in some instances, for a time, it is rarely satisfactory. There is no security for that regular punctuality of attendance which is indispensable to success. The irregularity of the teacher is soon imitated by the pupils, and a speedy dissolution of the class is inevitable. Wherever practicable, a competent teacher should be paid for his services, and if the amount of his remuneration be made to depend upon the number of pupils, it might stimulate his exertions, and absolve the Institute from any pecuniary risk, as the payment of the teacher would be met by the school fees. The services of gratuitous teachers would then be valuable by way of assistance, and their irregularity of attendance would be less injurious. In Institutions where this plan has been followed, very satisfactory progress has been made, and, as in most towns and villages where schools exist, the services of a practised teacher may be obtained for evening classes, they should, as far as possible, be made available.

That the elementary instruction imparted in the evening classes of Mechanics' Institutions is of some importance in the great question of the education of the people, is proved by the simple fact of there being more than five thousand pupils in ninety Institutions comprised in the Yorkshire Union. But beyond this there are classes, either under teachers or upon the principle of mutual improvement, for the study of various departments of science and literature—in many instances having reference to the business pursuits of those in the district—whilst others may be considered more as intellectual exercise, or preparatory to competition for appointments of a higher grade. The subjects studied, and the number of students in most of the Institutions, may be seen in the following table:—

Reading, writing, and arithmetic in	90	Institutes,	5224	pupils.
Grammar	49	"	895	"
Geography	31	"	726	"
History	15	"	388	"
Drawing	24	"	442	"
Music, chiefly vocal	12	"	455	"
English literature and composition .	9	"	242	"

Bookkeeping	8	Institutes	58	Pupils
Mathematics, algebra, mensuration, &c.	17	"	319	"
Chemistry	4	"	50	"
Physiology and physics	3	"	40	"
Natural philosophy	1	"	15	"
Phonography	2	"	22	"
French	12	"	149	"
German	4	"	34	"
Latin	1	"	6	"
The Bible and theology	3	"	44	"
Elocution	4	"	42	"
Sewing (females)	3	"	78	"

The above gives a total of 9229 students in the evening classes of Mechanics' Institutes, although the number of individuals may not be quite so large, owing to several being occupied with more than one subject. The list is, however, sufficiently numerous to show that in Yorkshire, at least, much important service is rendered to the cause of popular education, and that, under judicious management, such institutions may be made the means of accomplishing still more—that they may become the colleges of working men, and efficient instruments for the intellectual cultivation of the industrious young men of our country.

An important aid in the same work is also derived from the accumulation of libraries for circulation, which, as has been shown, consist of above 140,000 volumes in the Yorkshire Institutes; and that these books are not permitted to lie useless on the shelves, is proved by the number of issues during the year, reaching nearly 400,000, or an average of about 16 for each member. It is not easy to ascertain the exact proportion which the different kind of works bear to each other, but it may be stated that the majority are of an instructive character, as in some libraries works of fiction are excluded, and in most of them they are only admitted to a limited degree. The Yorkshire Union of Mechanics' Institutes possesses a library of 2250 volumes, divided into 45 sections, of 50 volumes each, for circulation in villages and places where no Institution library exists.

Most of the Institutions have also reading-rooms, supplied with daily and weekly newspapers, weekly and monthly magazines, and quarterly reviews, so that provision is made for the more profitable employment of the leisure hours of the evening than could be found for the working man by any other means. To many, indeed, the reading-room of the Institution proves a counter-attraction to that of the public-house; and if the comforts of light and heat be amply provided, may render it a still more efficient aid to the extension of education.

Lectures, as a mode of systematic instruction, are not adapted to Mechanics' Institutions. The hearers for the most part have various objects in view, and there is not that persistent attention to a series on any one subject which could alone render them of any value for this purpose. They are not, however, without their use, and when

adapted to the persons to whom they are addressed, often prove of great service. They tend to bring many together who might otherwise take little interest in the progress of the institution, and operate as a bond of union between the several classes of a small community. When scientific subjects are treated in a popular manner, they not only possess great attraction in themselves, but often direct the aspirations of their youthful hearers to studies which may prove of importance to them. Lectures on literary subjects also are often useful in pointing out the beauties of particular authors, and cultivating a taste for reading, which cannot be without beneficial effects.

The success of the Institutions of Yorkshire may be attributed in a great measure to the organization of the Union, which, as already shown, has for the last fourteen years been steadily progressing in magnitude and usefulness. Whilst each individual Institution is essentially independent in action, they associate for mutual advantage, and prove the wisdom of the step they have taken in the high position which they occupy. The Union not only disseminates information on every subject of interest, but by collecting the statistics of the several Institutes, keeps before the public eye a record of their operations and progress, thereby stimulating each Institute to renewed exertion, and supplying many suggestions of practical value.

The business of the Union is conducted by a central committee in Leeds, comprising a president, two vice-presidents, a treasurer, ten members, of whom four are resident in Leeds, two honorary secretaries, and a paid agent and lecturer, whose duty is to visit the several Institutes, deliver lectures when required, attend public meetings, confer with local committees, and assist in the formation of new Institutes. Once every year a conference of delegates from the Institutions takes place in some town in Yorkshire, chosen at the previous conference, and in the evening a public meeting is held, and is usually graced by the presence of several noblemen and gentlemen. These annual gatherings materially assist in directing public attention to the progress of Mechanics' Institutions, and showing the sympathy of all classes of the community in the cause of popular education.

The report of the central committee, which is published soon after each annual meeting, contains much valuable information, in various hints and suggestions for the practical working of a Mechanics' Institute; a list of gentlemen who are willing to deliver lectures gratuitously, with the subjects on which they lecture, and the days most convenient to them; a list of paid professional lecturers, with their several subjects and terms; a list of manuscript lectures, which the committee lend to any Institute requiring them; a list of coloured diagrams to illustrate lectures; a list of lectures by the agent of the Union, whose services are always at the command of the Institutes; the accounts of the treasurer; separate reports from the several Institutes in the Union, showing their respective proceedings; and a tabular statement in which is shown, at one view, the whole of the Institutes comprised in the Union, name of secretary, number of members, proportion to population, number of female members, rates

of subscription, annual income, volumes in library, number added during the year, number of issues, periodicals and newspapers, lectures delivered, pupils of classes, subjects taught, and average attendance.

In conclusion, it may truly be affirmed that the Mechanics' Institutes of Yorkshire are in a more satisfactory condition than at any previous period, and that with the continued application of the same organization, with its active influences, there is no doubt of still further improvement, accomplishing not only a great amount of practical good within this county, but, by its example, stimulating other parts of the kingdom to similar efforts.

The Bradford Mechanics' Institute. By JOHN V. GODWIN.

THE present Bradford Mechanics' Institute was formed on the 14th February, 1832, and adopted in public meeting on the 20th March following. Many were then doubtful, and some opposed. Of those who took an active part in its formation, the greater number are still amongst us, and can look upon the Institute without a feeling of disappointment after a trial of twenty-seven years, during which the population has increased from 43,000, to upwards of 130,000. Donations to the amount of 100 guineas were offered as a start, and no further public aid was asked for the first seven years. The terms of admission were low, 10*s.* and 6*s.* per annum; but by renting very modest rooms, and adopting a system of vigilant economy, the Institution was enabled to conduct its business with efficiency, and to show, at the end of each of these seven years, a balance in hand, sometimes larger than the amount of the original donations. By this time more room was needed for the classes. The library had increased to 2500 volumes, and the members were upwards of 500. A building was therefore erected in 1840, which was altered in 1845, and again altered and enlarged in 1852. Taking the accounts of the whole twenty-seven years, the funds have been derived from the following sources. Those charges which may be classed under the head of building and maintenance, after deducting the receipts from letting of the rooms, and 685*l.* realized by an exhibition, have been covered nearly, but not altogether, by public donations. But the Institution, besides giving from the various payments of its members several hundred pounds to the maintenance and building fund, has purchased its own library, and has been self-supporting to the extent of all its other expenses.

The constitution has been very simple. At first all above twenty-one, and for many years all above eighteen years of age, have had the right of voting. The presidency used to be continuous, but since the Institution has been firmly established, its interests have been thought to be consulted by rendering that office annual. All other office-

bearers are chosen annually, but in practice the changes have been very gradual, and guided in great measure by the lists of attendance or the interest which has been manifested. It is worthy of remark, that, on every committee, now for twenty-seven years, there have been some of those who assisted at the formation of the Institute; that, except in one or two of the earliest years, the working classes have always been represented on the committee, not by arrangement, but by the free choice of the members, (on the committee for the present year upwards of one-third are or have been working men); and also that some of the most valuable members of committee have been those who, by passing through the classes and growing up, as it were, in the Institute, have become permanently devoted to its service. Under this constitution no question has ever arisen which has not been discussed and settled in an amicable spirit.

The objects of the Institute were stated in its first Report to be—'1st, the provision of an extensive and well-selected library; 2nd, the supply of popular and attractive instruction through the medium of public lectures; and 3rd, the formation of classes under well-qualified masters for pursuing the various branches of useful knowledge.'

The Lectures are kept up with spirit every session, are partly gratuitous, partly paid, with free admission to some part of the theatre to every member; and a charge to the public which materially lightens, though it does not always cover the cost. At one time an attempt was made to give instruction by courses of lectures on scientific subjects. Latterly, advanced classes have proved more desirable. But although systematic teaching by means of lectures is no longer attempted, while rendering them popular and attractive, they are carefully made subservient to the purpose of stimulating inquiry and keeping awake a general interest.

To the Library great attention has always been devoted. From 800 volumes in the first year, it has steadily risen to upwards of 7000; except a few donations, all purchased out of the ordinary receipts from members' payments. The plan adopted for many years, was gradually to fill up each department with standard works for reference and serious study, adding simultaneously works for more general reading. The result has been the formation of a library, though not the largest, yet in English works for educational purposes, the most valuable which the town possesses. The issues last year were less than usual. They were 30,359, or 103 volumes per open day. This is equal to an issue of the whole library four and one-third times, or an average reading for every member of twenty-five volumes during the year. After the library was well furnished with more solid works, fiction was carefully but freely admitted. None but standard works have been selected, such as those of Scott, Edgeworth, Fénélon, Cooper, James, Dickens, Thackeray, &c.; including Miss Martineau's tales in illustration of political economy. The issues of fiction have varied, being in some years one-fifth, in some one-fourth, in some one-third of the total issue. Some years they increase, some years they lessen, often following inversely the

activity of the classes. But the committee have never regretted the introduction of fiction, nor regarded an issue of one-third as excessive, considering the character of the remaining two-thirds.

We now come to the Classes, and these form a leading feature of the Institute.

The elementary classes, which are most numerously attended, are free; to some of the advanced classes a small fee is charged. The number on the class-books last year was 570, the average attendance 350. Out of twenty-two who presented themselves, seventeen received Society of Arts' certificates, viz., one first-class, eight second-class, and eight third-class. This year nineteen received certificates, and one has been successful in the Oxford Middle Class Examination. Some of the teachers are gratuitous, others paid. From the classes have risen some of the most effective teachers, and the drawing class has furnished its own present drawing master, and also the second master to the Bradford School of Design. The prize system was introduced in 1847, and has proved a useful stimulus. That, and the recent examinations by public bodies have rendered necessary increased attention to the advanced classes, for which provision has been made.

A Reading-room supplied with periodicals had been in use some time. In 1852 it was decided to open a room supplied with newspapers, and subsequently the daily telegraphic reports were added. At the same time the terms were raised to 12*s.* above 21 years of age, 10*s.* above 18, 8*s.* under, and 6*s.* females. The first year the increase of members was 228, chiefly in the class above 21 years of age. The annual cost of the news-room is about 130*l.* The first year the receipts from subscriptions increased about 150*l.*, and have been larger since, but never less, having been highest during the excitement of the Russian war. There can be no doubt that the news-room has brought to the Institute both additional means and additional opportunities of usefulness.

We must not omit some notice of two important questions: to what extent has this Institute been made use of by the classes for whom it was intended, and what advantage have they derived from it? Our members vary from 1200 to 1400. About one-half of these are generally above 21, and one-half under. Those above 21 are composed of life members and firms, who join, not to benefit themselves, but others; members who do occasionally benefit, but with whom that is not the principal motive for joining; working men who have not passed through the classes; and working men who have grown up in connexion with the Institute, of whom some remain working men, and some have risen in the social scale, in a great measure through their connexion with the Institute. As to those under 21, it is impossible to attend the library or walk through the classes without seeing that the great majority of them belong to the working classes. From two-thirds to three-fourths of the members are either working men or the sons of working men, according as the total numbers vary from 1200 to 1400 or 1500, the fluctuations being chiefly among the working classes. The following table gives the proportion of each

class to every hundred members last year, when the total number of members was but 1203 :—

Life members, being merchants, manufacturers, &c.	12	per cent.
Ministers, professional men, schoolmasters, &c. . .	5	„
Shopkeepers, bookkeepers, agents, cashiers, &c. . .	18	„
Mechanics, labourers, warehousemen, &c.	65	„
	100	

As to the proportion the number of members bears to the males of the working classes above 14 years of age in the borough, it should be borne in mind that a larger proportion of working men than usual attend night schools, and that of late years, in addition to the Church Institute, the Female Institute, the Catholic Institute, and some other similar bodies, there have been established five or six smaller Mechanics' Institutions in the outskirts of the borough.

We have only now to refer to the question, what benefit have the working classes derived? Those who have watched the Bradford Mechanics' Institute are able to state that they have seen, year after year, an unbroken stream of youths, sons of working men, rising to positions of responsibility, which in all probability they never would have filled without its aid, and in many cases entering upon and pursuing a successful middle-class career by the habits, the knowledge, and the connexions acquired in this Institute. Striking instances will occur to those acquainted with the facts, any of which it would be invidious to name. The following table furnishes the statistics of the members of one single class. In 1842 the writing and arithmetic class consisted of 40, with an average attendance of about 26. Some of the 40 are dead, and some have removed, but it happens that of 26 we can give their father's occupation in 1842, and their own occupation both in 1842 and 1859 :—

Fathers' occupations in 1842.—Unknown, 6; woolsorters, 6; woolcombers, 5; plasterer, 1; sawyer, 1; overlookers, 3; weaver, 1; middle-class, 3.

Sons' occupations in 1842.—In offices, 3; woolcomber, 1; factory boys, 4; shop boy, 1; in warehouses, 10; apprenticed to mechanics, 3; shoemaker, 1; printer, 1; joiner, 1; bookbinder, 1.

Present position.—Working classes, 1; in responsible positions as bookkeepers, clerks, schoolmasters, commercial travellers, woolbuyers, and salesmen, 16; successful men of business, and some of them highly so, 9.

Remarkable as this result is, I can only say that the year has been selected, not as one of the most favourable, but solely because it is the most remote of which any such record is kept, and therefore there is less probability of trespassing on individual feeling. From the foundation of the Institute to the present day a similar process has been going on, and those most conversant with the facts, will estimate most highly the direct benefits which large numbers of the working classes of Bradford have derived from the Bradford Mechanics' Institute.

These results we give, not as the chief and most important, but for the proof which they supply how wide and beneficial must be that general influence of which no statistics can be presented.

This brief sketch must suffice as to the working of the Institute, though many interesting details are necessarily omitted. Such measure of success as has been obtained is believed to be owing to a steady adherence to the fundamental principle of Mechanics' Institutions, viz., the promotion of self-education among the working classes. This was the great design which animated the founders of Mechanics' Institutions. By this standard every plan which has been proposed in the Bradford Institute has been tested; and those which have been tried have been approved, or modified, or rejected, according as they have been found to serve this purpose. Accordingly fiction, recreation, and amusement have neither been refused nor transformed into leading objects, but introduced so far, and so far only, as they could be rendered subservient to the end in view. To the period of youth especial attention has been paid, as the age in which parental control is lessened, school partially forgotten, in which habits begin to be stereotyped and character decided. During that important period of life in which the means of earning a livelihood are acquired and self-dependence is taught, the defects of early education are felt, and a renewed acquaintance is needed even with reading, writing, and arithmetic, to meet the special wants and opportunities which arise. What, therefore, in the language of Mechanics' Institutes, is called elementary instruction, is not only a necessity, but a principal means of usefulness. Equally necessary are advanced classes, to retain the hold acquired upon a large number of young men, and continue a connexion which may materially influence their future career in life. In every arrangement adaptation to local requirements must be secured, and unless an Institute become, as far as possible, self-supporting as to its working expenses, neither vigour of management can be expected, nor a keen and active interest be felt in its operations. The value of a District Union, such as the Yorkshire Union of Mechanics' Institutes, it is difficult to over-estimate. By putting each Institute in possession of the experience of the whole; by furnishing a model code of rules, a paid agent for lectures or for conference, and by its circulating village libraries, and annual gathering for counsel and conference, it has added to the efficiency of our best Institutes, and rendered practicable the formation and success of a large number of smaller Institutes.

Whatever, then, may be said to the contrary, successful Mechanics' Institutes are not only possible—they do exist; and though the Bradford Institute has been selected for this paper, it is solely because it is the one nearest to our place of meeting, for there are points in which it is surpassed by many others, as, for instance, by Leeds on the one hand, and Huddersfield on the other. And taking the word as meaning those and the sons of those who are in receipt of wages, it is also possible that Mechanics' Institutes may be Institutes for mechanics, provided we consult the feelings and meet the local wants of

the working classes, and hold steadily to the true guiding principle of self-education. In the educational war which has been waged, the fashion has been to treat each system of machinery in turn as a total failure. It is no wonder, therefore, that, although occupying neutral ground, Mechanics' Institutes have not escaped the general depreciation. But so far as they are concerned, whether success or failure has predominated, there has been sufficient success to show that the ideas of those noble-minded men who were the founders of Mechanics' Institutes were neither visionary nor impracticable. On the broad platform of Mechanics' Institutes men of all ranks and opinions have united to assert equality of intellectual rights. And it may be said with equal truth, that, next to Sunday schools, they have been one of the strongest moving powers in the work of popular education, hitherto the greatest work of the nineteenth century.

Some Statistics of the Huddersfield Mechanics' Institution.
By Frank Curzon.

The Huddersfield Mechanics' Institution was established in the year 1840 by a body of young and comparatively uninfluential men anxious for their own improvement. From the very commencement its founders instituted the system of evening class instruction, which has, throughout its history, been its distinguishing characteristic. A single room and a single teacher were, at first, all that could be obtained. At a very early period, however, the number of classes had so greatly increased, that within four years a removal into larger premises became necessary. A second removal into still more commodious premises was made in 1851. Three additions to this building have since been made. The committee have now found it necessary to relinquish their attempt to adapt old buildings to the purposes of the Institution, and have commenced the erection of a building which will accommodate 1000 pupils at one time. The classes number 91, containing 800 pupils, superintended by 22 paid and 36 voluntary teachers. They are under the supervision of a class committee, and the general committee engage in rotation on the duties of nightly inspection. A coffee soirée is occasionally held, at which the committee and teachers meet for conference. Occasionally class lectures are given, either for elementary discussion or moral discipline. Once a month, at a gratuitous concert and lecture, the members and their friends are invited to assemble in the large room of the Institution, which is generally crowded. Neither lecturers nor musicians are paid; the addresses being usually given by gentlemen in the neighbourhood, the concert by the music classes.

From the first origin of the Institution a mode of taking the payments was adopted, which has continued ever since—the payment by weekly contribution. This exactly meets the circumstances of the

wage-receiving class, and the consequence is that a larger amount is paid by the operatives than at any other similar institution in the kingdom, the 3½*d.* a week reaching 15*s.* 2*d.* a year. To show how high a value the members set on the work done, it may be stated that the Committee, when they felt an increase in the payment necessary, for it was at one time 3*d.* a week, called the members themselves together, who, hearing that the character of the instruction must be lowered or the terms increased, unanimously decided on the advance. To a large extent, then, the Institution is self-supporting.

Its constitution is also broadly based. Every member above sixteen years of age is a voter at all general meetings, and at the annual election of the committee. It might be supposed that this would be productive of unhealthy excitement. The contrary is the case. Warm contests are rare. There has been no discussion of a rule after its first passing, and but one special meeting has been called in nine years. The members, knowing they possess so large a share in the government, exercise the power for their own peace and safety.

Those who assist the Institution by benevolent contributions, invest their money with the knowledge that there is an actual amount of good done; every guinea subscribed being the means of educating a poor and deserving youth under eighteen years of age, whose weekly contribution is, by the guinea subscription, reduced from 3½*d.* to 1*d.* Of the penny members, or presentees, there are now 240, three-fourths of whom are wholly or partially orphans. A Penny Savings Bank, gratuitously managed, and open once a week to all, whether members or not, is attended with considerable success.

From the first the Institution has prospered. Never for a moment have the conductors or members faltered in their work or in their hope. The following table will show its progress:—

1840	55
1843	180
1847	390
1850	762
1853	740
1856	812
1859	1200

The causes of this success we believe to be these:—

First, and specially, the instruction given by the evening classes; secondly, the mode of taking the subscriptions; thirdly, the broad basis of the constitution.

A fourth element of success lies in the domiciliary visits made by the secretary, who, when a pupil is in arrear, or has been absent without apparent cause, visits the member at his house, thus interesting the parents or friends in the Institution, whilst important information of the habits, acquirements, and circumstances of the members is thus obtained. Nine hundred such visits were paid last year. Added to this, a complete schedule, embracing twenty-three

columns, is kept of the social circumstances, educational history, and present attainments of every member on his entering, so that the officers of the Institution have always arguments at hand, based on the best data, for checking misconduct or encouraging industry.

We close with one word. Nothing has been done at Huddersfield that may not be done elsewhere. The difficulties in our case have been chiefly questions of detail; the *great* question has been always one of work. We have not paused to reply to prejudice or argue with error, but have steadily tried, year after year, to make the quiet night-school a sounder and better means of instructing the great mass of the operatives. The working men have now faith in our intentions, and the object is thus already half accomplished. May we, in all respect but in all earnestness, ask those who have the will to solve the problem, simply to do as has been done here, throw themselves heart and soul into the effort, and, believing the working classes have the desire to raise themselves, help them to do it.

Mechanics' Institutes for Working Women, with Special reference to the Manufacturing Districts of Yorkshire. By FANNY HERTZ, *Bradford.*

NOTWITHSTANDING its immediate bearing on social happiness and progress, the education of working women has hitherto by no means excited an attention at all commensurate with its importance. While during the last third of a century working men have been initiated, and have rapidly advanced in nearly every department of knowledge, while their minds are ever expanding more and more under the beneficent stimulus they constantly receive—with what brilliant results and with what advantage to the world, let such names as Stephenson, Hugh Miller, and Paxton testify—while to them the most illustrious men of the age seize every opportunity of preaching with eloquent fervour the duty of self-culture, little has been done to awaken in their female companions a corresponding desire after a higher moral and intellectual life.

This anomaly arises partly from the circumstance that the education of working men has been a good deal promoted with the idea that it would prove of much practical service to them in their various avocations, an argument which does not apply with equal force to the present circumscribed sphere and occupations of women. But the disparity is chiefly attributable to the deeply-rooted prejudice that woman has neither the same powers nor the same aspirations as man.

This belief, however erroneous and at variance with fact, is nevertheless so general, that even the zealous friends of female education are afraid to press its claims on other than utilitarian and comparatively low grounds.

Women are to be educated, they plead, in order to qualify them for

the duties of wives and mothers, of mistresses, and servants. Now, it is impossible to overrate the value of education to women, as affecting the right discharge of their social functions, nor can the advocates of the cause be blamed for turning to account an argument so calculated to tell with force; but they surely ought not to be content to have the question regarded from this point of view exclusively. How rarely is it urged that women should be educated in order that whatever capacities they possess may be completely developed, and their natures permitted to grow to the full height of which they carry in them the germ! How little weight is attached to the consideration that moral and mental culture must be of the greatest consequence to themselves as human beings, quite apart from the good results which necessarily accrue thence to others.

The progress of female education cannot but be slow and difficult, until it shall be based on a truer estimate of woman's powers, and on a recognition of her equal claim with man to the full exercise and unhindered application of her faculties. It is a matter of rejoicing, therefore, to observe that opinion is beginning to gravitate towards this direction, spurred on by the doctrines of some of the most eminent thinkers of the time. The social position of woman everywhere and always corresponds exactly with the degree of civilization of the community at large. The law of the strongest regulates the relations between man and woman, in proportion as it regulates those between man and man. Men who are themselves still under the thraldom of ignorance, violence, injustice, and oppression, invariably treat woman as their inferior, coerce her by force and tyrannical laws, and restrict her sphere of action within the narrowest limits. A righteous and generous conception of the political and social duties, on the other hand, never fails to reflect itself in a disposition to widen that sphere, and to raise woman to a more exalted plane. We may therefore reasonably indulge the hope, that as the tendencies of our country and age are decidedly towards a higher phase of social excellence than any the world has yet seen, that as it is now established that all men, no matter what their condition, have a right to pursue, unfettered, the cultivation of their powers, so is there also steadily growing up a conviction that the same prerogative belongs to woman, and that it is as much the due of the meanest as of the highest born.

Of course there are claims and duties more imperative and clamorous than the acquirement of knowledge. Of course there is no appeal against the restrictions imposed on intellectual pursuits and pleasures by the necessities of daily life; restrictions which must, however, constantly diminish as material prosperity increases. These are natural barriers between noble desires and their gratification, impassable alike to men and women. Indeed, the self-control and self-sacrifice they frequently call forth act compensatingly as educational agents of a high moral order Not so the artificial restrictions that have their foundation in prejudice. Such, for instance, is the assumption that it is not good that the minds of women should have liberty to expand in all directions; such, too, is the common notion that,

although the avenues of knowledge may be thrown open to women in the upper spheres of society, they ought to be carefully closed against those in humbler life. Assertions like these should elicit the loud protest of all true friends of progress and education.

But no moral law can ever be ignored with impunity, and society is daily and hourly, in a hundred different ways, paying the penalty of the unjust curb it has put on the free growth of woman's nature. Take for example the case of such a town as Bradford. What a multitude of evils exist here, mainly traceable to the uncultivated condition of our working women, 'the greatest part of whose humanity sleepeth a deep sleep!' No thoughtful person can walk through our streets, or perchance enter our people's homes, without reading this sad fact on every side. He will read it in the physical type of the population, deficient in stamina, from long-continued disobedience to physiological laws; deficient in beauty for want of the impress of thought and noble emotion. He will read it in the numbers of neglected, unhealthy children, doomed to pass from the cradle to the grave diseased in body and mind, because their mothers have become mothers without one single qualification for so holy a charge. He will read it in the troops of young men and women who pour past him when mill-hours are over; in their slatternly appearance, their clumsy gait, their harsh voices, corrupt dialect, coarse words, and rude jests. He will read it in the rough, uncouth manners that characterize both men and women. He will read it in cheerless, comfortless homes, in badly-cooked meals, in ill-managed expenditure, in extravagant, unsuitable dress, in frowning looks, angry words, and family jarrings; in the waste of precious moments of leisure in intemperance, caused by the superior attractions of the public-house over the joyless fireside; in street broils that follow on intemperance. In short, turn where he will, nearly all the obstacles to happiness, in such a working community as ours, will prove, when analysed, to be more or less connected with the degradation of woman, consequent upon ignorance; with the absence of that ennobling and refining influence she is, when cultivated, so peculiarly fitted to exert; with the want of reverence and tenderness in the relations between her and man; with the non-existence of that best safeguard of morality, a lofty ideal of female dignity and excellence. Surely, then, in virtue alike of abstract right, and of the undeniable evils which, in this case, as in all others, punish its disregard, the education of our working women, on more enlarged views than have hitherto obtained, has a strong claim on the interest of social reformers. The means to be employed in order to carry out so great a purpose are of the most varied kinds, and must be adapted to the special condition and requirements of each community.

The circumstances and needs of manufacturing towns such as Bradford have a marked character of their own. The female population, from its employments and its habits of life, has much in common with male artisans. On this account Mechanics' Institutes, which have effected such an incalculable amount of good in the case

of working men, will no doubt also prove to be the agencies best fitted to awaken in the analogous classes of the other sex those higher aspirations and faculties now dormant, and to give them the first impulse to self-culture. Many formidable difficulties assail those who are anxious to further the education of female operatives in districts like ours. The evils they have to counteract are of no light order. Who, for instance, shall estimate at their full magnitude the depressing and debasing influences of the almost total exclusion of the element of beauty from English manufacturing life? Our factory girls live in one perpetual round of monotonous ugliness. Follow them from the mill, with its bare walls, its oily smells, its brain-confusing machinery and deafening noises, to their abodes, and you will come to long, straight rows of mean, uniform tenements, in narrow streets, or pent-up courts, from which light, and air, and gladness are shut out. The sky is grey, the sun obscured, the atmosphere oppressive. Tall chimneys, vomiting forth their columns of smoke, rise on all sides, the funereal monuments of what were once smiling green valleys. The formerly clear stream has been polluted into a black and greasy beck. The sweet sounds and perfumes of nature have been exchanged for the roar of the power-loom and the odours of the dye-house. Can human beings be habitually deprived of all that rejoices eye and heart—of bright sunshine, clear blue sky, pure air, green fields, song of birds, and scent of flowers, not to speak of the more intellectual pleasures of art—without its telling grievously on their whole natures? Will any deny the constant, and most potent, although subtle and unconscious influence, which external surroundings exercise on us all? Do we not instinctively perceive that order and beauty communicate to our whole being a feeling of harmony and repose, which helps as much as anything to elevate and refine us? Can it then be wondered at if our working women suffer deeply from the want of beauty in their surroundings, and if it be a rare thing for feminine dignity and grace to flourish in the atmosphere in which they pass their lives?

Another great impediment to be overcome in the effort to raise our female operatives in the human scale is the extreme scantiness of the time at their disposal, and the fatigued and prostrate condition in which they generally come to receive any instruction that is offered them. These girls have to rise at five in the morning in order to be at the mill by six. They are not released from work until six in the evening. An hour to an hour and a half more is spent in going home, taking tea, dressing, and reaching the place of instruction. No evening classes can therefore be in operation till half-past seven. Half-past nine is the latest time for closing, so that all that we can command, at the very best, is a bare pittance of twelve hours per week. But even in this time much might be accomplished were the pupils regular in their attendance, and fresh enough for energetic mental activity. What, however, can be expected of women and girls who have toiled hard, and have been kept standing during ten hours? That they should make any effort at all to devote their small allowance of leisure

to self-improvement is so commendable, that we dare not blame them if the energies be weak, the minds dull, and the eyes heavy. Only the most lively and interesting teaching can have a chance, under such unfavourable circumstances, of competing successfully with the claims of exhausted nature. The insufficient supply of such teaching is another of our chiefest obstacles, and one which cannot be pressed too earnestly on the attention of the friends of education.

There is another point which claims a prominent place in the list of our difficulties. A remarkable feature of the female population engaged in producing the textile fabrics of Yorkshire and Lancashire is its extremely floating character. Owing to the liberal wages they earn, many of our young factory women become their own mistresses at a very early age, gaining their livelihood in complete independence of their parents, whose protection they forsake to live in lodgings. Here their numbers are swelled by reinforcements from the agricultural districts, as the towns do not afford an adequate supply of this description of labour.

Being but little bound by home ties, these young women are always more or less on the look-out for such districts or towns as may furnish the greatest demand and consequent remuneration for their labour. They readily migrate from one place to another in search of better wages, and thereby acquire a roving and very independent cast of mind. The curious state of things thus engendered is somewhat akin to that nomadic disposition which the sudden development of our railways once excited temporarily amongst the male population in the class of young 'navvies.' Naturally, such an unsettled mode of life is most injurious to our mill-girls, and removes them from the softening and humanizing influences of the family circle. Their ignorance is far from rendering them humble and docile; they are little aware of their deficiencies, exceedingly tenacious of their independence, and jealous to a surprising degree of even the appearance of condescension or patronage in the conduct of those who would approach them with the kindest intentions. Any scheme for their moral and mental elevation which overlooks this very strongly-marked characteristic, this exaggerated feeling of independence and impatience of all control by those above them in wealth and station, is unlikely to achieve its purpose, and many well-meant efforts of the kind have failed from this cause.

The principle on which Mechanics' Institutes are founded seems, however, to meet in a great degree the particular difficulties under which we labour in this respect, and there is no apparent reason why it should not be as successfully applied in the case of young women as it is in that of young men. The pupils, being in their quality of members part proprietors and managers, give their votes at elections of committees and officers, and otherwise have a share in the government of affairs. On this footing the young women of whom we are speaking may join an educational institution without surrendering their much-prized independence, or submitting to any patronage or control. They pay their fees of membership from time

to time, use their privilege of voting, and feel that they are not being educated in charity by others, but are educating themselves; while the contact into which they are brought with superior and more developed minds will, it may be hoped, soon inspire them with a taste for self-improvement, which shall grow with what it feeds on. Wider results will ensue herefrom than the mere acquisition of knowledge. Connexions will be formed calculated to foster habits of more fixed locality; the recipients of instruction, and the more wealthy and cultivated classes being joint coadjutors in the direction of these institutes, there will spring up between them a common pride in the success of the undertaking; an *esprit de corps*, which must attach them to each other by new and permanent bonds, and finally, these sentiments of fellowship and mutual good-will will spread from the evening class to the mill, and will affect most advantageously the relations of employers and employed.

Two educational institutes for young women, on a very small scale, but approximating in character to Mechanics' Institutes, and based on principles of self-government, are now in operation in this neighbourhood: the one in Huddersfield, the other in Bradford. The former was established in 1847, and has ever since steadily increased in prosperity and usefulness. It had not to contend against some of the difficulties that have just been indicated as besetting us here.

Huddersfield is a far prettier and more cheerful town than ours; there is hardly a street from which the green fields may not be seen, and the working population lives amidst comparatively auspicious influences. The women are not engaged to so large an extent in factory work, nor are they of that unsettled, wandering disposition which so often baffles our efforts to educate them in Bradford. The young persons who attend the Huddersfield Institute are, in many instances, milliners, dressmakers, domestic servants, or living with their parents. They are less independent, more susceptible of being influenced than those with whom we have to deal. There exists between them and the managers of their Institute a warm friendliness, and personal regard, productive of the best results.

The Bradford Institute has not yet existed quite two years, and must take firm root in the convictions and sympathies of the public before it can realize the aims of its originators. Although six hundred young women have enrolled themselves members since its commencement, of whom, during the winter months, one hundred and twenty were regular weekly pupils, giving an average of ninety per night, the promoters of the Institute have not yet been so successful as they could desire in creating towards it a feeling of attachment, and thereby assuring a large and unfluctuating attendance. They hope, however, that by dint of patience and zeal in so good a cause, by taking a large and generous view of the mission they have set themselves, and, above all, by perseveringly endeavouring to better the quality of the teaching, they will ultimately have the satisfaction of seeing their Institute grow into something really important and

noble, something adequate to the magnitude of the want it is intended, so far as may be, to supply.

The subjects taught are reading, writing, arithmetic, geography, history, grammar, needlework, and singing; and there is an advanced class for the elements of natural science.

Pupils have hitherto been admitted from the age of fifteen, but it is now in contemplation to take them somewhat earlier. The fee is 2*d.* per week, or 1*s.* 6*d.* per quarter. In connexion with the Institute are a library, reading-room, and penny savings bank, and lectures are delivered from time to time; but, on the whole, the classes are relied on as the most efficacious means for opening and enriching the pupils' minds.

Success must mainly depend on the goodness of the teaching. The most ignorant have an unfailing instinct as to whether they are improving or not; and it is only by first-rate tuition we can hope to awaken that love of mental activity, that thirst for knowledge, which constitute the groundwork of all intellectual excellence. The generality of teachers, unfortunately, content themselves with the most mechanical and uninteresting method of imparting instruction. Instead of stimulating and strengthening the reasoning powers, by causing the pupils to discover many things for themselves, instead of leading them to a desired point by a chain of nicely calculated questions, adapted to their understandings, and elucidated by examples that come home to them, they merely aim at pouring into them a certain quantity of facts, that are rarely assimilated by these crude minds, because the process by which they have been reached has been omitted. It cannot be too repeatedly urged, that those who devote themselves to the calling of teachers, and particularly those who aspire to teach the class of pupils now under consideration, ought to take a more philosophic view than they commonly do of the scope and means of education, ought to become disciples of that great man, Pestalozzi, who, beyond all others, seems to have solved the problem, how to instruct on true and invariable principles.

It were beyond the limits of this paper to enter at any length on another most important topic connected with this question of female operative education, namely, the comparative value of different subjects of instruction. Reading, writing, arithmetic, and needlework are, of course, the necessaries, and must have the first place. These once mastered, however, it becomes of consequence to decide which further branches shall have the preference. The reasoning and the imaginative faculties are perhaps those which most require calling forth—the former, because they are the corner-stone of the whole structure of human knowledge, and the most reliable guides to the judgment in the affairs of daily life; the latter, because they serve as an antidote to the ignoble and vulgarizing influences from which we are trying to rescue these young women.

Whatever is philosophically taught, *i.e.*, on the principle of extracting knowledge, like ore from a mine, from the depths of the pupil's own well-directed observation and reflection, and not by pouring it

into the mind from without, like water into a vessel, cannot fail to cultivate the reasoning powers. With tolerably advanced pupils, however, the first elements of physical science are specially adapted to serve this end. The elements of physiology, too, on the system so admirably shadowed forth by George Combe, should certainly be taught in all educational institutes for women. It is so important to the well-being of the whole community that women should have some idea of the human body and its functions, some notion of the laws of health, that the necessity of including physiology in an educational scheme of the kind under discussion cannot be too strongly advocated.

History, not read from books, but told in the form of stories, and vividly illustrated by maps and pictures, and, now and then, by a scene from some historic play; or, when the pupils are sufficiently mature, used to elucidate the gradual development of mankind, and to test the justice and wisdom of our institutions; geography regarded as a gallery to be filled with bright and lively pictures of our earth's beauteous surface; of its inhabitants, with their varieties of race, religion, civilization, commerce, art, and manners; of the vegetation and animal life of different climates; and of the products of nature and industry; all knowledge which exemplifies the wonders and splendour of the universe; stirring narratives of current events, in the form of newspaper extracts; the lives of great and noble men and women, related with a warm enthusiasm, which shall kindle a glow of emulation in the hearts of the hearers; occasional readings of poetry; choral singing; and, if possible, drawing; these seem to be the subjects which come most within the scope of such institutes as those we have in view. By means like these we shall best accomplish our object of raising our young working women to the dignity of human beings, and of awakening them to a sense of the beauty and preciousness of life. Let no one fear that this training will unfit them for their sphere, or give them a distaste for their occupations. Duty will have a far holier significance to a woman whose mind is filled with serious thoughts and elevated desires, than to one absorbed in the miserable pettiness that engrosses the ignorant. Education will make itself felt as a blessing everywhere, and in all the relations of life; and no woman will be a less useful member of society, either in the cottage or at the loom, because she lays claim to her birthright of cultivating the better part of her nature. Those who assist to establish, in all working communities, Mechanics' Institutes for young women, or who in any other way further the mental improvement of female operatives, will be only providing suitable and worthy helpmates for the educated and intelligent working men, who are the glory of England, in the place of those mere household drudges, whose degraded position is more in consonance with the prejudices of our ancestors than with the juster and larger spirit of our time.

Adult Education for the Poor. By the Rev. W. Rogers, *Charter House.*

I do not pretend to be an educationist. I am simply a parish clergyman, who, finding myself surrounded on all sides by vice and squalor and misery, devoted some portion of the time at my disposal to founding and improving the schools in my district; feeling most deeply convinced that most of the suffering around me was the consequence of ignorance, and that if I could be only instrumental in removing the ignorance I should in every way ameliorate the condition of my poor parishioners; and I am happy to say I have met with some success in the work, nothing like what I could wish, but still sufficient to encourage me to proceed, and to satisfy me that the best and only effectual method of working the parish is through the schools. We number now in all the schools betwen two and three thousand, and the condition of the scholars is well reported upon by the government inspectors. People constantly cry out that they do not succeed in their schools—that the poor are so indifferent to the cause of education that they wont send their children to school, and that the adults will not attend during the evening. I can only say that we have a very wild rough set to deal with, and we find that they send their children and that they do attend. I will challenge any parish to produce a rougher set than ours; if in walking the streets you meet a young fellow with a coat vastly too large for him, and with what should be a shirt sticking out at all kinds of crevices, put him down as a Golden-laner, and you will make a safe guess. If you come across a man with a donkey and cart shouting out onions and greens with a peculiarly unmusical voice, be sure he comes from the neighbourhood of Whitecross-street. If you lose your pet dog and go to the king of the dog-stealers for information as to where your darling is detained in bondage vile, after you have paid your fee for his information, I am quite sure he will direct you to go to some court not very far from Goswell-street or Barbican. Now these are the classes with whom we have to deal, and I feel sure that if such people as these can be made to take an interest in education, no one need despair in the work. I now propose, with your permission, to give you the benefit of my experience in adult education among the poor, and to offer a few suggestions based upon that experience.

A writer in the present day whose duty it is to handle any of the subjects connected with education, enjoys great advantages over those who had similar duties to perform in days gone by; he finds a general admission, not only that there is a deplorable amount of want and misery, but that much of this want is traceable to ignorance.

It must be evident that the attempt to diminish the extent of want and misery by removing the ignorance in which they originate cannot be expected to make much impression upon the actual want and misery which we see around us—the utmost to be looked for even

from the best directed efforts, must be their diminution in the future.

The necessity of waiting for the fruits of education imposed upon all who resort to it for the purpose of diminishing want and misery, has naturally turned people's thoughts upon the devising of means for realizing some nearer good.

Actual want and misery have pressing claims upon our attention —unfortunately, if we confine ourselves to attempts at relieving, them we soon find their claims to be insatiable: when we resort to instruction as the means of guarding against the want and misery, the relief of which is beyond our ability, the conviction is forced upon us that the success of our efforts will greatly depend upon the earliness of the age at which the work of education is begun; hence our schools for infants and children. Nevertheless, it is obvious that where young people have already got beyond the ordinary school age in a state of ignorance, the danger of their falling into want and misery is much more imminent than it is with the ignorant children still within the school age. If instruction could be as easily and effectually provided for ignorant youth above the age of fourteen, as for ignorant children under that age, and there were not the means of providing instruction for both, the claims of the first would command precedence on account of the proximity of the danger to which they are exposed. The younger children have, however, obtained the preference, and very properly so, because it is felt that here exertions to instruct are so much more likely to be crowned with success.

Giving this precedence, however, to children of the school age neither necessitates nor excuses the abandonment of those who have outgrown the school age. Indeed, the early age at which children now-a-days are removed from school renders the establishment of evening schools imperative if any progress in education is to be made. The demand for child labour all over the country is so pressing, that unless some such agency as the night-school be set on foot as a means, say only of continuing the education given in the day-school, it is obvious that much of our labour will be in vain. We are only casting our bread upon the waters, with little prospect of finding it even after many days. The children will forget the little they learned at so tender an age. We shall still have ignorance rampant, and the inevitable consequence of ignorance—want and misery.

But people complain that the night-schools do not answer; that during the excitement of their first institution they are well attended, but that gradually the attendance falls off, and that at last the school is abandoned. Now, I am not going to give reasons for these apparent failures, but I may perhaps state, that we cannot call these desultory and spasmodic efforts which are too commonly made, the establishment of a school. A night-school, in order to be efficient, must be carried on orderly and systematically, and the instruction given in it must be such as meets the requirements of the scholars. It is obvious that, if the school be attempted to be carried on by ignorant teachers, who attend occasionally, as their inclinations or en-

gagements allow, the scholars will soon detect the weakness of such an institution, and will very soon desert it.

But though there are of course many failures, still the principle is now beginning to be everywhere acknowledged, and we have remarkable and authoritative recognitions of the importance of these establishments shown in the organization of a school in every regiment and on board every line-of-battle ship; and the matter is now being taken up by the police authorities, by whom schools are set on foot, which the men are invited to attend. I believe this to be the case in many of the stations—I know it is in two in my neighbourhood, which are supplied with a master from my schools, and which are exceedingly well attended by the men, who are very desirous to obtain instruction.

Attendance at the military and naval schools is not compulsory—at the same time, although not universally, they are numerously resorted to. And if the soldiers and sailors who attend them not only learn to read, write, and cipher, but are able to employ some of their leisure hours by using the books provided for their amusement, to write home to their families, and to resist the allurements of grog in excess, they will preserve better discipline while they are in the service, accumulate savings in the bank, and be guarded against want when restored to the position of ordinary subjects of the realm.

And I believe that the spirit which animates our soldiers and sailors, inducing them to profit by the schools provided for their instruction, prevails also among the labouring class in general. The number of them, in proportion to the whole mass of the uninstructed among them likely to attend the adult schools provided, could not possibly be so large. The more absorbing nature of their daily work, the distance of their abodes from their employment, and the craving for relaxation and repose after severe bodily toil, are stumbling-blocks in the way of adult instruction, where habits of application have not been formed at an earlier age.

It is found, however, by those who have taken the pains to afford opportunities for testing the inclinations of the labouring classes, that there are many among them who, conscious of their ignorance, or of the very imperfect state of their attainments, are willing both to pay and to labour, to obtain the instruction of which they feel the want.

Men like these, rising above the ordinary level in energy and resolution, are the very men most likely to exercise an influence over their fellows. They deserve to be assisted for themselves—they are worth assisting for the sake of society. Future George Stephensons may be hidden among them.

A suitable building, suitable teachers, and a suitable system of instruction to meet the wishes of all, who, either having passed the ordinary school age, or who, in consequence of employment, cannot attend the day-school, yet still consider themselves in want of more instruction, make up my notion of an adult school.

And now as to the kind of instruction to be given. The opinion is daily gaining ground that instruction will be found attractive by all,

young and old, in proportion as it is efficient. But if it be desirable in schools for the young that the instruction should be attractive, full of interest, readily appreciable, and exciting to application, how much more desirable must it be that these qualities should prevail in the instruction proffered to adults. Parents send their children to school, at all events in the first instance, but adults must be led to school, and kept there, through the influence of their own understandings. Children will be only ignorant and undisciplined; adults, in addition to their ignorance and ill-discipline, will most probably be prejudiced. The school arrangements should be such as are adapted to wean them, unconsciously to themselves, from misleading influences, and should avoid the risk of driving them away by frightening, or discouraging, or mortifying them.

Paying strict attention then to these, which may be called the essentials of success in adult schools, room and accommodation must be provided for supplying the probable demand likely to be made for instruction. But this probable demand is not to be measured by the teacher's notions of what he thinks the applicants for instruction stand most in need of—this it will be part of his skill to create a demand for—but by what is actually asked for, whether wisely or unwisely. In the first instance, at all events, the school should be laid out to supply the want felt, and not the want which ought to be felt, according to the better light and superior intelligence of the teacher.

Let us then suppose the school to be organized, and scholars to apply for admission, the teacher will try to ascertain what they respectively wish to be taught. Say he is told that they wish to have lessons in writing, ciphering, spelling, and reading,—all, or any of these subjects; the teacher will lay himself out to make these lessons acceptable to the scholars; his skill will be tried in imparting other instruction at the same time—instruction of which he sees the need for his pupils, although they may not be sensible of their own deficiencies.

It will be perceived at once that if, while the teacher satisfies his scholars by giving the instruction which they ask for, he awakens in them a consciousness of ignorance on other matters, and day by day places information within their reach, and creates an appetite for more, he will make his scholars anxious to prolong their stay, to extend their studies, and to derive benefits from the school greatly exceeding what they sought for on entering. To make sure that I do not miss conveying to you the thoughts that are actually in my mind as regards the opening afforded to the teacher for improving those who voluntarily seek his instruction, even with the most limited notions of what they need and what they would have, I will endeavour to set before you a few illustrations or examples.

Let the instruction sought for be writing, reading, and spelling,—any or all of them. Any words and sentences would serve the purpose of setting the hand and voice in motion, but if the words and sentences employed be the names of things, and statements of laws and facts

likely to awaken the curiosity and to appeal to the intelligence and feelings of the scholars, conversational lessons will be mixed up with, and grow out of, the efforts made to write and read.

Shall I be wrong if I affirm that an intelligent teacher will not fail to interest his scholars in most, if not in all, such subjects as the following?

The shape and size of the earth. How our knowledge of these facts has been acquired, and is daily corroborated; the causes of the succession of day and night, of the varying lengths of our days and of the seasons. Of eclipses and of the changes in the moon's appearance. The paths of the planets, and of comets, and their real and apparent magnitudes.

Some of the organs of the animal body, such as the lungs, the heart, the skin, the stomach, and the brain, with their several functions. The effect of dirt and deleterious matter on the skin, with other matters of this sort, highly interesting to all, but especially to the workman, who depends so eminently upon the healthy state of his body.

Some of the forces of nature, as ascertained by observation and experiment; the air, its varying pressure and movement; water, steam, and electricity, and how they may be brought to assist men in their efforts to maintain themselves in comfort, or how, if men be ignorant and unskilful, they will counteract these efforts.

Some of the substances by which we are surrounded, and the elements of which it has been ascertained that they are composed; the changes that can be wrought on these substances. How in some forms and under some modifications they are indispensable to health and happiness, and how in others they are hurtful.

The teacher will exercise his tact in selecting from the whole range of these and many other subjects what he feels is most likely to interest his scholars, and if he does, he may be sure that they will frequent his lessons long after they have become adepts in reading and writing.

As yet, however, I have but half described what the teacher will do, and what he is capable of doing. Mixed up with the information which the scholars have acquired, there will be a keen sense of the necessary influence of their own conduct upon their future happiness. They will be taught that to live in health and comfort, they must be adequately supplied with air, food, clothing, fuel, and shelter, not to mention other things. A new and vast field of inquiry opens here.

Whence come the vast stores of food, clothing, and other necessaries everywhere visible around us, the sudden destruction of which would involve the starvation and death of the human race? They had first been worked for, and then saved.

I should be much surprised if an intelligent teacher would find any difficulty in awakening a deep interest among his scholars in the phenomenon of the distribution of wealth, which is to be observed at the present time. How this distribution could have been brought about, who really possess the wealth, the elders or the juniors, the

saving or the wasteful, the trustworthy or the untrustworthy, the sober or the drunken?

Again, he would invite attention to the conditions which determine the wages and profits of individuals, labourers and capitalists, in different parts of the world, and at different periods in the same part. The means available for improving the condition of individuals and nations, by increasing productiveness and turning to better account that which is produced. These naturally suggest the qualities in man likely to lead to these blessings, and how they are to be cultivated and acquired.

Abundant resources yet remain behind to be drawn upon by the teacher. There will not be one of his scholars who must not have had experience of times of high and low prices; they will be eager to learn something about the causes of fluctuations of prices, and they will be quite ready to look back under the guidance of one able to instruct them to the origin of the practice of interchange; how it grew out of division of labour; how the benefits of that division could never have been enjoyed without opportunities and facilities for interchange; how money was introduced to remove obstacles to interchange; how prices fluctuate with the fluctuations of supply and demand; how the fear of approaching scarcity, by raising prices, induces economy, diminishes consumption, invites supplies from other countries, and thus mitigates and wards off the scarcity that was dreaded. With such instruction, greedily listened to, what scholars would fail to recognise the advantages of these oscillations of prices produced by supply and demand, and the anticipation of coming changes, and also the impossibility that money wages should rise and fall with the rise and fall of prices.

It will depend upon the zeal and ability of the teacher how far he turns to the best account the opportunities he has for instilling aspirations after, and exhorting to the attainment of moral worth and religious excellence, encouraging hopes of reward from efforts to learn, and from perseverance in a course of watchful self-discipline. Not omitting to advert to that forethought which leads to pause and prepare before engaging in the most solemn duties of life, which rewards abstinence by smiling faces in a happy home, affectionate greetings on the return from daily toil, and which preserves all who yield cheerful obedience to the commands of duty from domestic penury and from the cries of neglected, suffering, and ill-conducted children, who must be a constant source of reproach and repentance to their parents, unless they be lost to all sense of shame, and hardened against sorrow at the pain inflicted upon the helpless beings who ought to be nearest and dearest to the human affections.

This I feel persuaded is the kind of teaching which we must adopt in our evening schools, and by this means draw the scholars insensibly on. They soon get disgusted with mere dry formal routine teaching; and lectures, in order to produce any real results, require too much preparatory and intermediate study; lectures are all very well as affording occasional amusement, and raising, perhaps, a spirit of

inquiry which may lead them to use the books provided for them in the library, but to follow a lecture for any real purpose, a man must be an educated man, his mind must be considerably trained in order to fix it with attention upon what is being said. I believe this opinion is now pretty generally adopted, and in most institutions lectures have been abandoned, except as secondary means, and as a kind of half and half combining of instruction with amusement, all very well in its way, but not calculated to produce any lasting or substantial results. The great difficulty is in procuring teachers, and for this kind of work we cannot be satisfied with mere tyros, we must have experienced teachers who will gain an influence over the scholars, and experienced teachers must be well paid. But I am disposed to hope, that when the permanent necessity of establishing evening schools is once recognised, and a demand for the article created, that a supply will be found, and I am quite convinced that if good teachers, in whom the people have confidence, are engaged in the work, there will be no difficulty about the funds, for I am sure that the labouring classes are now becoming so alive to the importance of education, that they will pay, and very largely too, for good sound instruction.

It may be interesting to those who propose establishing schools of this sort to know what the machinery and organization is. I will therefore briefly give you a description of our arrangements. You will, perhaps, kindly excuse me if I venture to read you an extract from Mr. Tuffnell, the Government Inspector's, last report, in which he mentions these schools.

Speaking of night-schools, he says :—'I have inspected, during the past year, those in connexion with the schools of St. Thomas, Charterhouse, Goswell-street and Golden-lane. The work accomplished in these institutions is of a most extensive and important character. They comprise, in each locality, separate schools for youths and adults of both sexes ; or, in the whole, 8 departments. The total number of pupils present at my inspection was 418—208 males, 210 females. The female department in Golden-lane, and the male department in Goswell-street, are especially successful. The staff of teachers is unusually large, and the scientific apparatus, towards the purchase of which a grant was made, is regularly used, and the whole is conducted with remarkable skill and energy. A reading-room forms part of the institution. A grant in aid of enlarging it would be well bestowed.'

The male department in Goswell-street consists of two great divisions—divisions which are absolutely essential to the success of a night-school, viz., separate rooms for the men and the boys. These two great divisions are again subdivided into advanced and elementary rooms—the men's advanced and elementary room—the boys' advanced and elementary room. Each of these rooms is superintended by a separate head teacher. In the advanced men's room, instruction is given in algebra, Euclid, book-keeping, Latin, French, history, and geography, reading and writing from dictation. In the elementary men's room, reading, writing, writing from dictation, and arithmetic.

In the boys' advanced room the instruction is very much the same as in the men's advanced room, with the addition of lessons on social science and on chemistry. In the boys' elementary room, reading, writing, and arithmetic, with occasional object lessons, writing letters, &c. The arrangements for the female department are very much the same, except that the instruction is altogether more elementary. I may, perhaps, add that in all the schools the Bible is read once during the week at all events.

With regard to the teachers, the men's advanced room is superintended by one of the masters whose duties during the day are of a lighter description. The men's elementary room is superintended by a master who has charge of the police during the day. The two boys' divisions are superintended by two assistant masters, who have no pupil teachers to instruct, and who have certain afternoons allowed them for relaxation. Under these, again, are teachers: young men who are engaged in various ways during the day, and who have been formerly brought up in these night-schools. They instruct the lower classes, and, as some compensation for their services, they receive lessons, every morning, from one of the masters, before they go to their business; and, in addition to this, they have some small money payment—not, indeed, sufficient to remunerate them for their time, but more in the way of compliment. I consider this a highly important feature in these schools, and one which I am exceedingly anxious to develope, for it is doing a double work—keeping with us, and instructing, these young men themselves, and, at the same time, supplying that very great deficiency of teachers for night-schools which is felt everywhere, and which deters so many from establishing them.

The arrangements for the girls' department are very much the same, with some modifications, as those for the boys.

We have also a reading-room and a lending library, which are very much used. The former would be more frequented, if better accommodation could be provided.

I must not omit to mention that we have a school of art, well supplied with models and with teachers from the department of science and art; and I am happy to say that the school is well attended, and I believe that, in proportion to the numbers in attendance, which are limited in consequence of the accommodation, we have carried off a very satisfactory share of the prizes.

It may, perhaps, be interesting to some to hear that the amount of fees paid by the pupils in these schools, during the year 1857-58, was 271*l.* in the general schools, and 133*l.* in the schools of art; making a total of 404*l.*

THE EDUCATION OF THE WORKING CLASSES.

II. Elementary Education.

On the Educational Clauses of the Factory Acts, their Practical Working, and the Possible Extension of the Principle. By Edward D. J. Wilks, *Secretary, British and Foreign School Society.*

HAVING for eleven years had opportunity of personal and intimate observation of the working of factory (among other) schools in the cotton districts of Lancashire, I venture to present to this department the result of such observation.

The principle involved in the Education clauses of the Factory and Printworks Acts is, attendance at school a condition of labour. The objection urged at the time those Acts were passed (and in some quarters still maintained), was twofold:—first, that it was an interference with the labour market, and secondly, with the right and duty of parents in reference to the education of their children. To the former the employers demurred, and to the latter those who strenuously oppose any legislative educational enactments. The discussion of this principle and of these objections would be foreign to the object of the paper, which is intended to be practical and not polemical. It is to be feared that in the discussion terms have sometimes been employed calculated to prejudice the question, and abstract principles pressed, to the exclusion of facts and considerations which on other subjects would have had due weight. Suffice it to say, that the principle in its application to the case under review may, in my opinion, be defended on the grounds of common humanity, social progress, and public security.

The practical working of these clauses is the best refutation of the objections taken to the principle. I have no hesitation in avowing my conviction, based, as already indicated, upon actual, long-continued, and widely-extended observation, that, generally speaking, their operation has been most healthful, not only in an educational, but also in a social point of view. Taking into account, and making due allowance for the novel and experimental character of the enactments, the consequent deficiencies and anomalies in the Acts themselves, the results have proved the principle sound in theory, wise in legislation, and practical in working. Evils that were dreaded have not been realized, and advantages of a kind that could hardly be anticipated have accrued. Employers have not had to complain of a deficiency of labour, at least from the operation of these Acts, and parents are now frequently found expressing their acknowledgments of the advantages afforded by the school to their children. One of the factory inspectors, in his report for last year, referring to this subject, says: 'Whilst I have known numbers of parents express their thankfulness for a "bit of schooling and a bit of work together," I do not remember an instance of any parent complaining of that "bit of

schooling" being a matter of compulsion; on the contrary, its rewards are their greatest pride; and so far from being afraid of education, they are every day becoming more and more sensible of its value. They look with delight upon those children who once worked in factories, and have since become pupil teachers; on the facilities which education affords them for changing from factory work to some other trade, and on the power which it gives them of hereafter finding skill for a partnership with capital.'

True, in the earlier stages of the working of these clauses there was in many cases a merely formal fulfilment of their requirements. The letter and not the spirit was all that was accorded. Schools were at that time fewer in number and less efficient than at present. There are still many neighbourhoods where the half-time hands are so few, or the population so comparatively scanty, as not to afford opportunity for a school of much value; and there are yet some employers so indifferent as to be unconcerned about the instruction of those in their employ. These latter are decidedly the exceptions, and their number is steadily decreasing.

Among the benefits resulting from the operation of the clauses under consideration, may be mentioned the fact that, among large employers of factory labour, they have constituted a basis for educational action, and one incentive to it. Not a few instances might be adduced of noble generosity on the part of such in the erection of schools, the support of efficient teachers, and the introduction of various appliances for the instruction of their workpeople. The attention drawn to the subject by these enactments has gradually issued in these generous and enlightened efforts, which are now extending beyond the prescribed class and age, while the factory schools are some of them taking rank with the best of their class in the several districts in which they are situated. One of the indirect, but highly beneficial results of these efforts is that a legitimate occasion is furnished for that union between the classes of society, and a means of developing that mutual interest which really exists between the employed and the employer.

It must nevertheless be conceded that the educational results have not been as satisfactory as might be desired. For this there are obvious causes. Among them may be mentioned the defective character of the details of the Acts, the inefficiency of many of the schools attended, and the want of any education in a large number of instances up to the time of commencing work in the factory. It may be asked, Is the state of education satisfactory through the country; is it all that can be desired? If not, is it any wonder if there be deficiency among the class included in factory workers? An Act of Parliament cannot of itself educate the masses, but it may be a motive power; it may be one means towards the desired end; it has served to guide to action, and has proved an auxiliary to those who in this way seek to advance the mental and moral well-being of one section of that large part of this great community known as the working classes.

The possible extension of the principle involved in the Factory Acts remains to be noticed.

We think it may be safely and wisely extended in its application to factory districts by an alteration of the age of commencing work as a half-timer and of entering on work at full time; also by requiring some amount of knowledge as preliminary to employment as a half-timer. Much might also be effected by certain modifications, especially of the Print Works Act. The production of a certificate of the date of birth, instead of the present vague and uncertain test of admission, whether to half or to full time employment, would be helpful in an educational aspect.

But the principle might in our judgment be extended to other districts, and to other kinds of employment; to the colliery, mining, and agricultural districts, and to the manufactories of our large towns in which juvenile labour is employed. To what extent, whether by day or evening schools, or by both carefully combined, according to the class or district, whether carried out by local boards or aided by local rates, or as at present, by the union of voluntary effort and parliamentary grants, is not now the object of inquiry. Surrounded as the plan may be by difficulties, they are not insuperable, nor can we doubt the application to this case of the well-known motto, 'Labor vincit omnia.'

The suggested extension of the principle advocated might be supported by the fact that it has been recognised, tried, and by those most interested and best acquainted with its working approved. Like all experiments, there are defects of detail, but these are capable of adjustment, and sufficient time has elapsed to indicate the points of deficiency and the modes of adjustment. That important element and fundamental difficulty, the character and quality of the schools, is gradually lessening, as a difficulty, by the improvement which is taking place on every hand both in teachers and modes of teaching.

Whatever may be said in favour of an educational test by parliamentary enactment rather than school attendance, as a condition of labour between any given ages, in addition to the disadvantage of its being an innovation and another experiment, it would, we think, prove the greater hardship of the two plans on the parent. Besides, it appears as if the educational test would grow naturally and voluntarily out of the extended application of the present principle. It is in this way beginning to be adopted. This is the tendency of the certificate and prize schemes, and its gradual and general increase cannot fail to supply a healthy and legitimate impulse among elementary schools.

Another consideration that may be adduced in favour of the extension of the principle, is that it would not interfere with the efforts put forth by the various bodies of educationists. So long have these bodies been engaged in the work, and so strongly are they attached to their own principles and plans of action, that if anything be done with a view to increase school attendance by Parliament, it must be to supplement not to supersede existing operations. That

the Minutes of Council are based upon this principle may be regarded as the chief cause of their almost universal acceptance.

Another argument for an extension of the present principle, is the circumstance that there is a growing impression in favour of making some amount of education obligatory. The term 'compulsory education' is, we think, an unfortunate one, and has been used in some quarters as a bugbear. The more minute the inquiry into the actual educational condition of the people, the more, we believe, will the gross ignorance that prevails be apparent. The disposition to rely on mere statistics in relation to this subject is giving way. Facts force themselves on the attention of the inquirer, and are coming to be regarded as of more importance than figures. It is felt to be a question of quality as well as of quantity, and the deficiency of both is conducting many to the conviction that in certain cases education must in some form be made obligatory. We have reasons for saying that this feeling is growing in the colliery and mining districts. The necessity for it among the very juvenile labourers in Birmingham has been avowed by some philanthropists in that hive of industry.

The apparent impossibility of dealing with the education question as a whole is another reason for doing so in parts.

This would seem to be the true and only method of solving the difficulty. Already there exist reformatories and ragged schools, embracing certain vicious and destitute sections of the population. Provision has been made for the attendance at school of the children of those receiving out-door relief. The clauses under consideration include one portion of the working class. A base of operation has thus been constituted, a principle of action laid down. Does not the extension of the lines of that base and the further application of the principle appear reasonable, safe, and sufficient? Such a course has the advantage over other plans because it recognises and uses existing educational organizations; leaves so wide a scope for individual or combined voluntary action; preserves to parents the right of selecting the school for their children; and if it does not meet the so-called 'religious difficulty' in any prescribed form, leaves it to be settled by that strong current of really religious feeling which so extensively prevails, and which under the guidance of true Christian charity is the best security for the scriptural, and thus the religious education of the people.

On Girls' Industrial Training. By the Rev. J. P. Norris, *late Fellow of Trinity College, Cambridge, and one of H.M. Inspectors of Schools.*

IS it true that good maid-servants are more scarce than they used to be? Is it true that the poor man's wife is a worse housekeeper than formerly? And if so, where does the fault lie? Is it traceable to the school? Are we *over* educating, or are we *under* educating girls? or

is it that we are educating them in a wrong direction? Or does the blame rather rest with the parents? or with our farmers? or is it due to the rapid growth of our manufacturing system? And, lastly, if the school is in some measure in fault, how can we mend it? Should it be more industrial in its character? And, if so, how can it be made so?

These are the questions to which I wish to address myself. I have put them loosely, because it is in this loose form that one hears them mooted in conversation; and because, moreover, I have no time to give this paper the exactness of an essay. And, by the way, it must be understood that, in speaking of a girls' school, I shall mean throughout an elementary day school, such as one meets with in most of our parishes. I have had but little experience of other sorts of girls' schools, such as workhouse schools, or the like, where girls are boarded and lodged, and employed chiefly in industrial work.

Any suggestions I may have to make will be the result of ten years' experience as an inspector of schools, during which time some hundreds of girls' schools—of the sort which nine out of ten of our labourers' and small shopkeepers' children attend—have yearly come under my notice. I have talked the matter over in a great variety of places, with a great variety of people—in large manufacturing towns, in small country towns, in sea-coast villages, in mining districts, in grazing districts, in highly-farmed districts—with landed proprietors, with clergymen, with their wives, with teachers, with the children's parents; so if my notions are erroneous, they certainly have not the excuse of being drawn from a limited field of observation.

At the outset, it must, I think, be confessed that a large number of people have a notion that our attempts to supply suitable training to the young women of the labouring class have been, judged by the results thus far, a failure.

Some say they are more conceited, more giddy, more idle than they used to be; while others acquit them of being worse morally, but complain that they grow up with less knowledge of housework and less taste for it than formerly. Let us consider these two complaints separately; the one refers to a fault in their moral training, the other to a defect in what may be called their special or professional training.

And, with regard to the first, I am very sure, from all that I have gathered, that there is in the complaint a great deal of injustice and exaggeration. In cases where I have traced it home, I have generally found that it proceeds from masters or mistresses who might much more justly have blamed themselves for the misbehaviour of their servants. One who governs ill will be served ill. Careless masters or mistresses, who leave the choice and management of the under servants to an untrustworthy upper servant—farmers, who will wink at any amount of misbehaviour in a dairymaid who makes a good cheese—shopkeepers and the like, who engage the cheapest

servants they can without ever asking for a character—these people complain loudly, and no wonder, of the endless trouble they have with their servants, and of the difficulty of procuring good ones. Partly from idleness, partly from illiberality, they ascribe it all to education; 'making girls,' forsooth, 'independent,' and 'giving them notions above their station.'

Every generation has, I believe, complained in this way of servants. In the novels and plays of the last hundred years, or, still earlier, in the essays of the *Spectator* and *Tatler*, you will find proof that this complaint is nothing new. The elders of every generation have cried out against the conceit and new-fangled notions of the younger ones; masters and mistresses have never failed to draw unfavourable comparisons between the faithful old domestics who caressed them in their childhood, and the troublesome servants they have to manage in their later life.

As regards, then, the complaint that servants are worse behaved than formerly, I am persuaded there is a vast deal of exaggeration in it; and as to the cause assigned, that it proceeds from over education, I am convinced it is the very opposite of the truth. I mean, that so far from the moral faults of this class proceeding from excess of education, it may, I think, be very clearly proved that they arise from a deplorable deficiency of education.

On this subject—the extent to which education has been carried in the present day—there are some widely erroneous notions abroad.

People whose knowledge of our schools and of what goes on in them comes chiefly from newspapers or blue-books, are apt to imagine that, since the introduction of the Government scheme fourteen years ago, every young woman who has entered their service has been educated under this new system, and may be taken as a sample of its results.

Whereas, what is the actual state of the case?

Thus far our improved system of education has reached about one in ten of those old enough to enter service.

This is not a mere surmise, it is a careful inference from statistical inquiry.

Out of any hundred girls of the labouring class you will find, on an average, that fifty have been at old-fashioned dames' schools in the country, or private 'adventure' schools of a very inferior sort in the towns; of the other fifty, who have attended properly-constituted schools, you will find that at least thirty were just entered in their infancy, and were withdrawn by their parents in their eighth or ninth year—as soon as they could read words of two syllables and write in a copy-book. Of the remaining twenty, you will find that one-half attended so irregularly, and so continually unlearned at home what they learned at school, that the teacher was ashamed to present them to the inspector at his annual visit, and entreated him not to consider them as fair samples of the school. Thus, of our hundred girls, ten remain who may fairly be taken as representing the results of the improved system of education—girls who have for some years regularly attended a good school. Now, may not the teacher of one of

these schools fairly ask that, before her school is blamed for the faults of one of these servant-girls of whom complaint is made, people should inquire to which of these groups she belonged?

It would greatly tend to set public opinion right in the matter of education, if people would be at the pains to ascertain, in every case where complaint is made, first, how much schooling, and next, what sort of schooling the young woman had received.

I took the trouble to make this inquiry myself a few weeks ago, in a neighbourhood where there was a general complaint among the small farmers that 'education was ruining their servants.'

I asked one who knew the neighbourhood well, and was himself a farmer, to ascertain for me, in six farm-houses where a servant girl was kept, what her character was, and what schooling she had received.

The result well illustrates my subject. I will call the girls by the letters of the alphabet.

A, aged 18, excellent worker and very trustworthy; reads fairly, writes but very little; attended a small endowed village school for two years. Parents good; father a farm labourer.

B, aged 20, fair worker, character fair; reads fairly, but can neither write nor read writing; attended an inferior national school in a town. Parents honest, but very poor.

C, aged 20, excellent worker, character indifferent; can neither read nor write to be any profit to her; attended, I believe, a national town school for a very short time. An orphan.

D, aged 19, character bad, very refractory, sets all authority at defiance; can read only; attended a dame's school. Parents very poor.

E, aged 17, morally bad, entirely void of self-respect; reads and writes very fairly; attended a village dame's school. Parents poor, and of bad character.

F, aged 18, very indifferent; reads and writes fairly; attended a village dame's school.

These facts, taken from a rural part of Staffordshire, need no comment; while they tend to justify the general complaint about farm servants, they show, unmistakeably, that in these cases, at all events, their faults were traceable, not to excess, but to a lamentable deficiency of education.

Those three latter cases well represent the sort of training which the majority of our young servants have received: they have attended small, irresponsible dames' schools, where the teacher filled her school by humouring the caprices and conceits of the children and their parents—calling her pupils 'Miss So-and-so,' and allowing them to spend half their time in crochet work or embroidery: no steady discipline, no good habits enforced, often no religious instruction given. What wonder that girls so trained turn out frivolous and conceited? And yet these are the very schools which we are labouring to supersede, and which the opponents of education will persist in encouraging.

I sum up this part of my subject, therefore, by conceding that there is much ground for complaint as to the moral character of

young women in service, maintaining, at the same time, that the complaint is exaggerated, and that the fault is often attributable to carelessness on the part of masters and mistresses; and, for the rest, due, not to over-education, but to the sad want of it.

Setting aside, then, those four-fifths of our girls, from whose ranks mainly proceed our domestic servants, but for whom (as I have shown) our new schools are not responsible, let us now consider the case of the one-fifth for whom we are responsible.

It is a small proportion, but, as we hope, an increasing one. What becomes of them? Is it true that they seldom go into service? and, if so, is it because their course of training unfits them, or gives them a distaste for housework? or is it from other causes?

I am anxious to particularize the class of girls of whom I am now speaking.

Any one who is familiar with our better sort of schools will recognise the group. They stand at the head of the first class: the mistress calls them 'the remains of her old first-class;' while others have come and gone, these have stayed on with her long enough really to profit by their schooling. They are taller and more tidy than the rest. If you are examining the school on the gallery, you will perceive that it is from them that nearly all the answers proceed. Besides being good readers, writers, spellers, and needlewomen, they have learned to be attentive and respectful, clean in their persons, punctual in their habits. In them we see the results of our work. True, they are few in number at present—exceptions to the rule; but what these few are now, that, we trust, in another ten years, a much larger proportion will be. They represent the school of the future.

While we have time, therefore, let us pause, and consider whether the results of our system, as shown in these girls, are altogether satisfactory. Morally, the success of our schools has been even greater than the most sanguine ventured to anticipate. Testimony comes to me from all sides to the good behaviour, in after life, of the girls who have attended our schools regularly.

But industrially, with a view, I mean, to their aptitude or inaptitude for housework, how do they turn out?

And, first, it must be admitted that, as a general rule, they do not enter service. Why is this?

Some places of service, such as too many of our dairy farms and publichouses, are quite unfit for girls who have any self-respect or sense of propriety.

But, for the rest, why is it that domestic service is not more attractive to our girls?

I have two explanations to offer.

First: well-educated girls being, as I have shown, so small a minority, there is just now even a greater demand for them than, perhaps, there will be a few years hence in other employments preferable to service. They are wanted as pupil teachers, or as nursery governesses, or as apprentices to various branches of skilled female labour; or, if they have comfortable homes, and wish to stay there, they are willingly re-

tained, being, as the mothers say, 'perfect treasures at home,' while their less steady sisters are gladly sent away into domestic service.

This competition with domestic service is sound and healthy, forcing those who wish to have good servants to learn to treat them more as members of their family, and less as hired workpeople.

None but the hopelessly selfish man can wish to cheapen women's labour in England.

My second explanation is that which claims our attention chiefly.

Our present course of school training certainly does tend to give girls a distaste for housework. It is too bookish, too sedentary. How can this be remedied?

My answer is a very simple one; it *has been* remedied in about a dozen schools in the three counties which form my district, and *might be* in nearly all of them. About a dozen day schools (besides the usual afternoon of needlework, of which I shall have more to say by and bye) have engrafted industrial housework into the school routine, and the effect, in every case where it has been judiciously done, has been that the girls of that school have stayed longer, and much more generally sought domestic service, and have found excellent places.

I have no space here to describe in detail the plans which have been found to work successfully.

I shall content myself with giving a few of the most valuable results of our experience.

1. INDUSTRIAL WORK MUST BE REAL NECESSARY WORK, NOT A PLAYTHING.

2. THE PRINCIPAL TEACHER OF THE SCHOOL MUST HERSELF TAKE A HEARTY INTEREST IN IT.

3. IT MUST BE MADE ATTRACTIVE TO THE GIRLS.

4. CARE MUST BE TAKEN TO PUT THEM IN THE WAY OF OBTAINING GOOD PLACES WHEN THEY LEAVE SCHOOL.

I will now show briefly how these rules may best be carried out.

Except in special cases, where there happens to be a demand for some particular product of female industry, opportunity for industrial training will best be supplied by a model home in connexion with the school. The mistress's house is obviously the nucleus of such a home. The addition of a couple of bedrooms for boarders, and a corresponding enlargement of the kitchen, offices, &c., would at once supply a routine of housework sufficient to occupy a dozen of the elder schoolgirls for six or eight hours in the week.

They should divide the work among them, some in turn being in the kitchen, some doing housemaid's work, some washing, some baking, some marketing. The boarders (who will probably be the daughters of small farmers or tradespeople,—one or two of them, it may be, pupil teachers,) should certainly take part with the day-scholars in the work. This will help to make it the fashion among the day-scholars. After the first outlay (towards which the Government would make a liberal grant), the plan need not be an expensive one. The payments of the boarders will make it almost self-supporting.

Everything is purposely on a small and economical scale: I regard this as most important: industrial apparatus may very easily be too complete.* The kitchen, laundry, and bakehouse should be good of their kind, but of the cottage kind, so to speak.

The success of the scheme will entirely depend on the measure in which it fulfils the four conditions above-mentioned.

The first is clearly fulfilled in the plan which I have sketched. There is the little household; its food must be cooked, its beds must be made, its linen must be washed.

The second condition is more likely to be fulfilled in future years than heretofore. The late minute of the Committee of Council will oblige much more attention than formerly to be paid to domestic economy in our Training Colleges. But any one proposing to organize such a school should be especially careful to select a mistress who has a taste for housework. The actual labour of superintendence may be undertaken by a paid assistant, but the principal teacher must animate and give tone to the whole thing. If possible, the industrial superintendent should be the mother or aunt of the schoolmistress.

In order to fulfil the third condition,—render the work attractive to the girls,—the industrial girls might be distinguished by a rosette on the shoulder or in some other way; one meal a day might be given to them, according to the plan so admirably carried out by Mr. Hawtrey at St. Mark's School, Windsor, and at Capesthorne, in Cheshire, eight or nine years ago; or a complete suit of underclothing, made in the school, might annually be given to each day-scholar so employed; or there might be a school feast every year specially for the industrial scholars, as at Lawton and Acton Schools in Cheshire; to which those who had gone into service should be invited to return. The good fruits of the training, as seen in these former scholars, returning once a year, with happy, prosperous looks, to their old school, would have much weight with the children and with their parents.

And this leads me to the last point. The school must be a servants' registration office for the neighbourhood. Some trouble will be needed at first to push the girls into good places, but as soon as the school has once obtained a name for training servants, all experience shows that the difficulty will be rather to meet the numerous demands made upon it. It is by active attention to this last point that school-managers have in my district overcome their greatest difficulty, the opposition of the parents.

Here undoubtedly lies the most serious obstacle to the introduction of any scheme of industrial training. The parents can seldom be persuaded to set any value on it. They say they can teach such things at home, and that they send their children to school to be made into scholars. Now I have, during the last few months, taken especial pains in different parts of my district to ascer-

* This is the case at Sandbach, one of the most successful industrial girls' schools in my district.

tain how much industrial training the girls receive at home. In few respects does one part of the country differ from another more than in this. In some parts, where for instance the people have small farms of their own, with two or three cows on each, the *home* offers far better opportunities for the industrial training of the girl than any school could supply. The same applies to many homes where the mother keeps a small shop. Here, then, the plea of the parent is reasonable and just. And in these cases I should strongly advise a half-time scheme for girls above eleven years of age, so that they should make themselves useful at home one half the day, and attend school the other half; or, failing this, at all events leave of absence on the washing-day or market-day.

In other parts of the country—for instance, factory districts, mining districts, or highly farmed districts, where the land is let in large holdings—the parents' plea that they can teach household work at home merely proceeds from their own low standard and ignorance in the matter.

In such places, the establishment of a model-house, such as I have described, in connexion with the school is most desirable. To overcome the foolish objections of the parents is the great difficulty. But this difficulty will lessen every year, when they begin to see that the children like it, and are helped forward in the world by it: and the gift of clothes or food at the outset will go far to reconcile them to it.

And here I venture to throw out a suggestion, which may perhaps be taken up, tested, and if desirable carried out by some among the many excellent women, who in the present day are to be found almost everywhere ready to occupy any opening that may appear in the work of elevating our poor neighbours. The presence of one such gentlewoman in this home, who would throw her spirit into the domestic training of the girls, and infuse some of George Herbert's Elixir into their housework, teaching them that,

> A servant with this clause
> Makes drudgery divine;
> Who sweeps a room, as for Thy laws,
> Makes that and the action fine:—

such a presence would give to our girls precisely what we most want for them—a sense of the gracefulness and dignity of household ministration.

Here, then, I close what I have to say about industrial training; my plan for carrying it out in connexion with a national girls' school is very much what I sketched in my Report to the Committee of Council in 1853. It has been partially carried out in many places, and with excellent effect. The value of the training consists not so much in the instruction given in any specific art, as for example, the art of laundry work—for this the girls in our schools are for the most part too young—but rather in the cultivation of what may be termed the homely instincts and the homely virtues of the girl, alongside of her book learning. We not only want her to be the

steady, well-principled, intelligent girl described in the earlier portion of this paper, but we wish her also to be active and ready, with a quick eye for what is wrong in a house, and a quick hand to put it right, helpful in whatever is going on, sensible and trustworthy in matters of household responsibility, and rejoicing to do her work well, whatever it is.

I have purposely left to the last what I have to say about needlework. Five or six years ago I should have thought it necessary to give a much larger space to this portion of my subject. But, in the last few years (especially in Staffordshire, owing to the stimulus given to it by our prize schemes) the improvement in needlework has been so great that I feel very sure all complaint on this head in respect of the annual grant schools of my district will soon cease.

The plan that I find to work best is to classify the school afresh in the afternoon, according to the girls' proficiency in needlework. In the best schools the youngest children are taught to turn down a hem as soon as they take a needle in hand, and so throughout they learn the placing or fixing along with each new sort of stitching. The first class is the cutting-out class. No girl is promoted from one class into the one above until she have produced a sampler of all the kinds of work proper to her former class. Her progress is recorded in a book kept for the purpose.

The difficulty of providing properly graduated work for the girls is overcome (where there is no regular supply of work from the school committee) by purchasing cheap stuffs and cottons at wholesale prices, and making these up in the school into articles of clothing, distributing the several parts of the work according to the capability of the girls. These articles of clothing are either made to order, and paid for by instalments, as they are made up, by the children or their parents; or they are disposed of at a sort of auction on the occasion of the school feast, or otherwise. Certain afternoons in the week are set apart for such work as the children may bring with them from their homes. But this home-work seldom affords such good practice to the girls as work selected by the mistress, suitable to each one's proficiency, and cut out for them in the school.

I find the greatest possible difference of standard in different schools in respect of needlework. It may serve as some sort of guide if I state here the average standard of attainment in needlework reached in the better sort of schools.

The first class are usually able to show the frocks or shirts which they have cut out and made; in some instances a pattern has been given them, in others the cutting out has been done by rule.* One-fourth of the school, sometimes one-third, are able to make a shirt sleeve (cut out for some of them), placing the band on the gathers

* One of the most lively and interesting lessons I ever heard given in a school was a lesson on the cutting out of a shirt, given to a class of girls about twelve years old, at Leigh, in North Staffordshire.

themselves, stitching a rounded wristband, and making the buttonhole. In our prize examinations we expect all girls above eleven years old to be able to do this,—the work being done under the examiner's eye. In many schools one-half can knit a stocking without any help, and darn a hole.

These points will be sufficient to enable any one experienced in these matters to form a notion of the standard aimed at, and very generally attained, in our schools in needlework. Fancy-work is seldom allowed in schools under trained teachers; in the old-fashioned schools it is still allowed to occupy far too much time.

Of the paramount importance of needlework in a girls' school there cannot be two opinions. I rarely now find among trained teachers that tendency to slight it which we used some eight or ten years ago to notice.

For girls who are to be domestic servants it is especially desirable, and this for reasons which have a direct bearing on the subject of this essay. Among the good habits which have a tendency to keep a maid-servant (and especially a farm-servant) out of temptation, not the least important is the habit of making her own clothes. It occupies her leisure moments, it keeps her from the temptation of shop finery, and it saves many a shilling for the bank or the club.

And this leads me, in conclusion, to notice what certainly ought not to be lost sight of in an inquiry like the present: how much more full of risk is the position of a young woman in the factory, and in some sorts of service, now than formerly. While new temptations beset them, old safeguards have been withdrawn.

For instance, in manufacturing districts, the factory system has rendered girls' labour so valuable that, at the age of thirteen or fourteen, they become independent of their parents, and able to go their own ways, lodging at home, or 'down the street,' as they list. Parents' authority is relaxed; the home, which used to be to the girl a place of industrial training, is broken up; the mother is at the mill; the young children at the infants' school, or with some old dame, who makes a livelihood by keeping a sort of public nursery.

Again, in agricultural districts, the economy of farm-houses has changed with the manners of the people. The farmer's wife, instead of presiding at the mid-day meal at the upper end of the large kitchen or 'house-place,' and spinning among her maidens in the evening, now not unfrequently dines first with her husband, or apart in the 'parlour,' and discarding the spinning-wheel, buys all the household linen ready made: so that farm-servants have much less the character of members of the family, and much more that of hired labourers, than they used to have.

Again, the relation between mistress and servant has been still farther loosened by the greater facilities for changing situations introduced by railways and newspaper advertisements. The effect of this is clearly to remove what used to be a check on misconduct. And this in two ways: first, it makes the servant

care less about losing her place, knowing that she can so easily find another; and, in the second place, it makes masters and mistresses, now that they can so easily change their servants, far less careful than formerly to ascertain their character: thus in both ways a safeguard is withdrawn. Another temptation besetting young women more frequently than formerly is the shop. When a woman's dress was for the most part home-made, there was far less inducement than there is now to finery and waste of pocket-money; and not only so, but leisure time, now spent in idleness, was then usefully occupied in making and mending. Again, in the wealthier classes, it has become the habit of the masters and mistresses to leave home for weeks together, once or twice in the year: these absences leave the servants exposed to much temptation.

In these and in a variety of other ways it may be shown that in the present day a girl who starts in life without good habits and principles is exposed to greater danger than formerly. And for this reason among others it is a great and most serious error to suppose that the same scanty amount of school-training is sufficient for girls now which sufficed for them fifty years ago. Those who have given careful and dispassionate consideration to the subject all agree, that if we wish to remedy the evil of which people complain—the deterioration of young women in household qualities—we must give far more attention than hitherto to the girls' school.

I have one more plea to urge in behalf of girls' schools, and I have done.

The more we investigate the social evils of the day, tracing them to their causes, and so detecting a clue to their remedy, the more convinced shall we be that reform, to be healthy, must proceed from within rather than from without. Instead of crying out for legislative interference, or organizing new associations, we must begin with the home.

The home is, if I may so speak, the seed-vessel of society—far more beautiful in its organization than any institution of man's contriving—where the England of the next generation must germinate, where the life of the nation must be developed. If you wish to purify and to elevate this national life, you must begin, therefore, in the home. And if you wish to reform the homes of the people you must train up aright those who, for good or for evil, will preside over them—the daughters, the future wives and mothers, of the English workmen. Where girls are already under good home influences, there let them, under the mother's eye, have their industrial training, content that in school-hours they should ply the book or needle. But where this is not the case, where the home is corrupt and its influences unwholesome, there, as we value our national welfare, let us step in; the industrial teacher must occupy the place which the mother has forfeited; the degeneracy of the English home must be arrested by the ministry of the school.

Some Remarks on the Action of the Committee of Council on Education, with a View to show how the Benefits of the Government System may be more largely extended and more wisely distributed. By the REV. REGINALD GUNNERY, *Clerical Secretary to the Church of England Education Society.*

IT is in the nature of things that the completion of a system can only be attained by slow steps, and after long experience. It must not, then, be expected that the minutes of the Committee of Council are susceptible of no improvement, or that they could, in so short a time, have attained to that full degree of perfectness at which all must desire to see them arrive. Nor must it be regarded as a sign of hostility to the system, but rather as a proof of the strong conviction of its practical value, if an effort is made on this occasion to point out what are felt to be its defects, with the view of ensuring its stability, and further extending its usefulness.

It is the object of this paper to state briefly two of those points which, in the opinion of several experienced and ardent friends of education, need alteration, and which, if altered, would be attended by beneficial results.

1. The general principle on which the Committee of Privy Council acts, is to offer aid on certain specified conditions, and in proportion to the amount of local effort; care being taken, of course, to confine the Government grant within proper limits. Now, at first sight, nothing could appear to be more equitable than this principle of helping those who help themselves; but it is a grave question whether it is one which should be strictly adhered to in every case, and whether, considering the actual condition of the country, and the nature and extent of the want to be supplied, it ought in justice to be universally maintained. For what is its practical effect? Obviously to bestow the largest amount of public money on those places where the largest amount can be locally raised to meet it. In other words, to make the most liberal grants in aid of those places which are comparatively wealthy, and where, probably, education could be carried on in full efficiency without any Government aid at all. This, few perhaps would care for, if other less favoured localities were as liberally dealt with. But it is not so; for, in conformity with this principle, as the real need of a district increases, in the same proportion Government assistance decreases; till we come, at length, to those very numerous localities where education, if it exists at all, has fallen to the lowest ebb, because there are no local resources whatever; and which are therefore excluded by their very poverty, and by the urgency of their need, from any participation in the country's liberality.

This is a great and an admitted evil. The present Vice-President of the Committee of Council, in his speech before the House of Commons on 22nd July last, acknowledged it as such, when it was

his duty to move the estimate for education during the past year; indeed he places it at the head of what he regards as the defects of the present Government system.

The practical question then arises—Is it an evil impossible to remedy, or is this principle susceptible of any modification by which the evil would at least be lessened?

Mr. Lowe, indeed, regards it as 'an evil which cannot be remedied except by effecting a fundamental alteration, inasmuch as it is the result of that voluntary principle on which the schools aided are founded.' But is it indeed so? Is it really essential to lay down rules to which no exception is admissible? Is it impossible to allow the necessities of a district to have any weight in determining the amount or the kind of aid to be rendered?

Probably, indeed, no remedy will be found, free from all objection, acceptable to all school-managers, and liable to no abuse. At the same time, it may be said with confidence that these evils are not so great as the insisting on the rule without relaxation.

This subject was, a few months ago, pressed upon the attention of the Committee of Council, in a memorial which was presented by members of the Committee of the Church of England Education Society to the President of this Department. In that memorial attention was called to this important fact — that all the rules of the Council are not now always rigidly interpreted, and that a power does now exist, and has at times been exercised, of apportioning some of the Government grants according to the necessities of the district.

By a minute of June 3, 1839, it was resolved, with respect to grants towards building, 'that the rule hitherto adopted, of making grants to those places where the largest portion is subscribed, be not invariably adhered to, should applications be made from very poor and populous districts, where subscribers to a sufficient amount cannot be obtained.'

This minute was confirmed by another of 22nd November, 1843, which is as follows, viz.—'Their Lordships are prepared to give full effect to that portion of the order of June 3, 1839, which contemplates the making of larger grants towards the erection of schools in poor and populous places than are required elsewhere.'

Now here, in respect of one department of grants, a principle is evidently conceded, which, if properly and wisely applied to the other departments, would tend in a great degree to ameliorate the serious evil of which we are treating. And why should it not be so extended? Why should this principle of measuring the scale of Government assistance by the wants of the district be confined to building grants only? Surely, if the relaxation of the rule is sometimes wise and judicious in respect of these grants, it must be equally, if not more so, in respect of those grants towards school maintenance which are of such essential importance to the efficiency and indeed the very existence of the school, especially as all experience proves it to be so much more difficult to meet the annually recurring wants

of school maintenance than to raise even a large amount for the mere erection of a school, which, once raised, entails little further expense. The question seems to be, not one of principle, but merely of the extent to which it is well to apply it.

If it is objected—How is the Council to ascertain whether a district is poor or not? How are they to determine on what scale of aid any particular district should be assisted? Would it not practically amount to throwing up the rules altogether, and having no definite system at all, if such a course were adopted? It might be answered —Is there no definite system at present in respect of building grants, which, in accordance with the settled rule, may now vary, according to the varying wants of the district? And may not the Council ascertain whether a district is poor or not in the same way, or at least in the same spirit, when application is made for their other grants, as they now do when the application is for a grant towards building? The same tests will be equally effectual in all cases. Nor would it be difficult, in the great majority of parishes, to apply these tests in such a manner as to enable the Council to determine with sufficient accuracy on what scale Government assistance should be rendered. In cases of doubt, the inspectors could readily obtain information by personal inquiry and inspection, which would generally guide the Council in deciding upon the course of action which each case might require.

I pass by the question whether the amount of Government aid at present enjoyed by schools in wealthy localities should or should not be continued. That may safely be left to the determination of the executive, and to the consideration of Parliament and of the country.

2. The other point on which I would remark has to do with the character and attainments of the teachers, and with the kind and degree of education which should be given in our national and parochial schools.

One of the conditions of Government recognition and aid is the competency of the teacher. Now, nothing can be more certain than that the Council is in duty bound to see, before permanent grants are made in aid of any school, that the teacher employed is competent for his work; otherwise the public money would in effect be squandered. But here, again, the question arises—May not a positive standard be an injustice, and be inexpedient? In other words, do all schools need the same degree of attainment in the teacher, and should all scholars be instructed in the same subjects, or be brought to the same point of proficiency?

It will not be denied that the great object we should have in view in the education we impart is this—to fit our children for the intelligent discharge of the duties of that station in life in which they have been born—to train them up to fear God, honour the Queen, obey the laws, and live happily and usefully in the world. But is this object always kept in view in the application of the Government grants? and is the Government system, in all its parts, calculated to foster and promote this object?

Few, I think, who have had extensive experience, will deny that there are many schools in England where this principle of education is carried out, with more or less success, which could not, as the rules of the Council are now administered, be admitted to the receipt of the Government aids: and that there are many teachers who are below the Government standard of attainment, as it is now fixed, who are yet fully competent to have charge of children who must get their living by the labour of their hands. Many schools might be named well filled with attentive scholars, who are fairly instructed in those elementary subjects which are of chief, if not of sole value to them, and who are, above all, trained in those scriptural precepts which supply the motive to action and the incentive to self-restraint, on which moral habits and social comfort depend; the teachers in which, nevertheless, could not fulfil the conditions which are now required by the Council if their schools are to enjoy the advantages of Government inspection and assistance. Some standard must, of course, be adopted, but it is certainly a grave question whether, by the present high standard, we are not attempting too much—whether we do not exclude many valuable teachers from that position, and from those advantages, to which their past services would seem to entitle them—and whether we are not endeavouring to impart an education, in some of our schools, which is not calculated to fit our children for the duties which lie before them. The conviction is strong on the minds of many, and is gaining strength, that we are not properly educating the great bulk of the children of our poor for the station they must occupy. And this conviction has tended not a little to create an unjust prejudice against the Government system, which, as a whole, is deserving of so much admiration and praise. Nor can this be wondered at when we consider, on the one hand, the tender age and short stay of the children at school; and, on the other, the number and extent of the subjects in which they are examined at each annual inspection. And yet probably the great majority of these objectors would not materially lower the standard to be ultimately aimed at, or lessen the number of subjects in which it is desirable that the poor man's child should be instructed, if only more regard were had to what is possible than to what is desirable—if only more time and more care were now given to reading and writing and the simple rules of arithmetic—and if, in the girls' schools especially, the industrial element were more largely introduced, so that we might look to them with more hope for a better and a higher principled class of household servants than they now furnish; and if the course of instruction to which the girls are subjected were more directly calculated to prepare them for the life they must live, and make them the thrifty, contented, Christian wives and mothers of the next generation. The Council has, indeed, lately made some wise alterations in this direction—a happy indication that they are not insensible to the great practical importance of the subject, and an earnest, we may hope, of yet further needful changes, by which the Government system will be made increasingly useful to our country.

More attention has certainly of late been paid in our schools to these elementary subjects than was usual some time back; mainly, no doubt, because greater stress has been laid on them by the Government inspectors, in accordance with the instructions of the Committee of Council. And much good has already been the result. In his last report to the Committee of Council, the Rev. F. Watkins, the Inspector of Church Schools in this (the Yorkshire) district, testifies to this. At p. 44 he states that there has been 'a marked improvement in this year over the last in the progress of education,' and that the improvement has been 'in those subjects precisely where improvement, if not most needed, is at least the most important—in religious knowledge, and in the three time-honoured and universal subjects, reading, writing, and arithmetic.'

The Rev. J. P. Norris also, the Inspector of Church Schools in Cheshire, Shropshire, and Staffordshire, notices a similar improvement. At p. 102 he says:—

'Comparing the results of our examinations in 1857 with the results in 1858, I find that the numbers of schools in which reading, writing, arithmetic, and Holy Scripture were reported to be well or fairly well taught, were respectively:—

	1857.	1858.
Reading . . .	74 per cent.	82 per cent.
Writing . . .	78 "	81 "
Arithmetic . .	67 "	69 "
Holy Scripture .	83 "	84 "

He adds—'In geography, grammar, and history I find a falling off, which need not perhaps be much regretted, inasmuch as it is clearly due to the greater attention given to the elementary subjects.'

In accounting for this change he makes the following important observations:

'I trace in these facts the influence of the inspector's yearly examination. During the last two years we have agreed to examine very mainly in the elementary subjects. The result appears in the figures quoted above. The unconscious bent of the teachers will perhaps always be in the other direction, for the task of teaching geography and history is far easier and less irksome than that of teaching to read and write thoroughly well. It seems desirable, therefore, that inspectors, school-managers, and officers in training-schools should throw their weight into the other scale; for of the comparative importance of the two sorts of lessons to school children there can be no doubt. That teachers should give their principal attention to these essential subjects of instruction is rendered still more desirable by the fact of the very early removal of children from our schools.'

To this quotation from the report of Mr. Norris I would add another from that of Mr. Watkins, which bears upon the same point. After calling attention at pp. 42, 43, to tables showing the average age of the children attending the schools in his district, and the average period they remain under instruction, he goes on to say:—

'It is impossible, year after year, to look at this strong evidence as to certain facts and conditions of our national-school life without feeling some and grave doubts whether the educational system has hitherto been suited to the wants and circumstances of the nation. Has it not attempted to reach too high an intellectual standard? Has it been sound or showy? Has it been sufficiently practical? And above all things, has it aimed to fit children for their work in life, for that position which must be the lot of the million, and not for that higher career which may be reached, and in a free country like ours, is reached, by one in a thousand?'

Other passages might be given from the reports of previous years, which clearly show what are the opinions of Her Majesty's Inspectors of Schools on this practical point, opinions which are deserving of the greater consideration and weight, as coming from those whose long and extensive experience qualifies them more than any others for forming a correct judgment on the subject.

If, then, the conclusion is correct to which the passages quoted would lead us, we can hardly doubt that the Committee of Council ought not to refuse to recognise such teachers as are fairly competent to teach children those elementary subjects which are admittedly of chief importance in all our schools; and which, until the school age and school stay rises considerably above the present standard, must be almost the sole subjects of instruction in the great majority of them.

These, then, are the practical points which I think we shall do well to press upon the attention of the Committee of Council.

1. That the poverty of a district should not exclude a school from Government recognition, inspection, and assistance.

2. That in the application of the Parliamentary grants, the wants of the district should generally regulate the amount of aid to be given.

3. That our national-school education should in every respect be suited to the social position which the great bulk of the children must occupy.

4. That therefore the industrial element is of essential importance, and should be fostered and encouraged by all possible means.

5. That considering the tender age of the children, and the short time they are under instruction, great care should be taken not to fix the intellectual standard too high.

6. That the rules of the Council should be so far modified as to open the door to those teachers who possess zeal, good temper, and love of the work, and who are fairly competent in other respects to have charge of schools in poor localities.

On the Best Means of enabling Small Rural Schools to avail themselves of the Parliamentary Grant for Education, especially in Reference to the Minute of Privy Council of July 26, 1858. By the REV. B. F. SMITH, M.A., *Rusthall, Tunbridge Wells, Diocesan Inspector of Schools for the Diocese of Canterbury.*

I PROPOSE to myself the humble task of calling attention to the means which already exist for bringing the benefits of the Parliamentary grant home to small rural schools.

I assume it to be generally allowed that the main impediment to a complete and satisfactory development of the present system of parochial education lies in the difficulty of meeting the poverty of small rural schools, in conformity with the general principles which regulate the administration of the grant. Such schools are highly convenient, if not indispensable, to villagers, and they are sure to be maintained in some fashion, for the moral leverage they afford to the parochial clergy in the discharge of their public duties. They have therefore, I believe, very wisely been deemed of importance enough to warrant a Minute of Council in their favour—viz., that of July 26, 1858.

It might seem superfluous to call attention to a Minute of recent date, drawn with singular ability and clearness, and offering such great advantages to those interested in it. But inquiry will prove how great is the general aversion to official documents, even among those concerned in them, till they are explained and applied to the special case.

I especially call attention to the existing means of relief thus afforded to small rural schools, because other schemes are likely to be warmly pressed by those who are alive to the difficulties of the case; schemes which I believe involve fatal departure from the principle of administering State aid, hitherto rigorously followed with the happiest results. That principle has been to aid local efforts when they reached tolerable efficiency, and in some respects in proportion to the efficiency reached. The religious, and many other difficulties which beset the interference of Government, have thus been eluded. It is true that the inherent evil of all rates in aid has come out in the working of the Committee of Council—viz., that they flow most copiously where they are least pressingly required. But this is no new or accidental feature. It was in early days that Martial complained—

> Pauper eris semper, si pauper es, Æmiliane
> Dantur opes nullis nunc nisi divitibus.

But it is of the highest importance that the remedies applied to mitigate this inherent evil be not subversive of the great principle on which educational grants have been distributed in England.

For instance, is the poverty of rural schools to be recognised as a

ground for special and exceptional relief? If so, absolute indigence has higher claims still on Government. And if the deficiency of local resources is to be a moving power to make the Government step out of its beat, the absence of local resources altogether must be recognised as a more imperative call on the State to organize and support schools where they are non-existent. Would not such a result be highly disastrous? Yet directly you make local poverty, as distinguished from successful local effort, the ground of special relief —the moment you say, 'give, because we are poor, not because out of our poverty we are doing something effectual'—the principle which has happily ruled the distribution of grants is invaded. The public purse which is called to succour poverty as such, must be in consistency invoked to take absolute penury under its wing, and must accept the responsibility of initiating education where there is none.

Again, the separate consideration of rural schools by the Committee of Council, on the ground of their narrow funds, must be given at the sacrifice of their independence. Independence can be no more retained by a school than by a private person suing in *formâ pauperis.* The State called on to relieve poverty as such, must examine into its causes, and insist on superseding it, where it is possible, by a more solvent system. Whereas the acceptance of Government aid has hitherto involved no abandonment of local control, simply because Government has adhered to the principle of taking up local efforts, not at the point where they fail, but at the point where they are recognisable as effective, and offering to carry them forward to further efficiency.

Let it not be forgotten either that any concession made to poverty, as such, re-introduces in all its magnitude the religious difficulty, which in practice has hitherto proved infinitesimally small; at present the test of local funds raised guides most equitably the application of the maxim, *de minimis non curat lex.* But directly the absence instead of the presence of local funds is recognised as a ground for separate consideration, denominational zeal, which a money test now brings to its just bearings, becomes factitiously stimulated. Each sect in a village, however small, pleads its poverty as a claim to have its education subsidized. And there is handed over to Government a fatal apple of discord, to adjust the claims of religious minorities to separate school grants.

How, then, does the Minute of Privy Council hold out the hand of succour to small rural schools, hitherto often incapacitated by poverty from availing themselves of its grants, without invalidating the fundamental principle of its distribution, and letting in the evils which other schemes seem to threaten?

With admirable discernment it approaches the rural schools, not on the side of their poverty, but of their smallness, and it finds in their humble condition a peg on which to hang a premium without inquiring into their pecuniary circumstances. Proceeding from the acknowledged fact that newly-fledged teachers do better to take their

first flight within a small range, it offers them greater pecuniary advantages to undertake small schools than large ones. In other words, Government offers a premium to small rural schools to allow one of its elèves to try his prentice hand on their more humble work. The independence of the school is completely preserved. It is not interrogated as to its poverty. It needs only that it be small, to accept a substantial boon under the guise of granting in return to an inexperienced certificated teacher the advantage of beginning work on a small scale. And with the certificated teacher it acquires the title to all other grants for the improvement of the school, such as pupil teachers and capitation grants, &c.

I know it has been proposed, and is still urged by persons of weight and experience, that Government should dispense with the requirement of a certificated teacher in the case of rural schools, and make its grant directly dependent on the efficiency of the instruction as reported on by the inspector. Such a plan I feel certain would find no countenance from her Majesty's Inspectors. The reasons alleged by their Lordships, in answer to the National Society, appear to me still wholly unanswerable. If a report on a school, without examination of the teachers, is to be substituted for the present guarantee of a written examination of the teachers, checked by the inspector's visit, it would be impossible to arrive at any general standard among some 100 inspectors; and a degree of efficiency which would secure a grant to a rural school in one district would not in another. The hardship of such a state of things could hardly be exaggerated: and the discontent and confusion ensuing would admit of no abatement by appeal to any document to convince the gainsayer. It is a totally different, and a legitimate measure, to make the inspector (as at present) a check on a grant, the general right to which has been already established. For instances of refusal of grants will always be rare; and the grounds of it flagrant enough not to breed a general discontent.

To what extent, then, does the Minute of July 26, 1858, grant a boon to small schools in bringing duly accredited teachers on their leaving college within easier reach? It first abrogates in their favour all conditions regarding the proportion of the teachers' salary which is to come from the school funds. It allows managers of such to make their own terms. And then, roughly speaking, it offers an allowance to the probationer of 10*l.* more to take the charge of the small school than it would allow for the charge of a large one. The small rural school, so far then, goes into the open market of young certificated teachers with a premium of 10*l* in its hand.

Nor is this all. Scheduled teachers (who, in university phrase, are not plucked but gulphed) are in other schools entitled to no augmentation. But to undertake the charge of small schools, under this Minute, Government offers them 25*l.* if males, or 20*l.* if females. As teachers are but human, they will probably consider some portion of this as their own proper augmentation: but still it leaves a margin of at least 15*l.* in favour of the school towards the market price of scheduled teachers, which, be it ob-

served, is materially lower than that of certificated teachers, because the former cannot take pupil teachers.

As the number of the comparative failures which create scheduled teachers is limited, and more forethought and dexterity will be required to secure their services than are often found in the management of parochial schools, I will build no general conclusions on the basis of scheduled teachers. I will merely state my belief that 10*l.* local subscription, 10*l.* school pence and capitation grant, and the 20*l.* grant will secure such a female teacher, with a certain recognised stamp of acquirements, and leave a small margin for expenses. Or, if a master of such attainments be in question, 25*l.* grant under the Minute, met by 35*l.* from local resources (of which he should return more than 10*l.* in pence and capitation grant) should secure him, if he be carefully watched for, and caught at the moment of his fall out of the list of honours. Scheduled teachers once caught have the advantage over certificated ones, that they remain three instead of two years under these conditions.

But I rather base the financial position of rural schools under this Minute on the more ordinary case of certificated teachers, and harp chiefly on mistresses. The market value of an average certificated mistress on leaving college, if her lodging be found her, is about 35*l.*, to which, in ordinary cases, Government would add 10*l.* as augmentation. In a small rural school, however, this Minute would give her 20*l.* augmentation, leaving her market cost to its managers only 25*l.* She ought to earn them 10*l.* in capitation grant and school pence. So that 15*l.* from local contributions would actually discharge the salary of a certificated mistress, of average ability, under this Minute.

To how many small schools must this afford an opening to an authenticated teacher, and the other advantages accruing! In the diocese with which I am best acquainted, I can only find thirteen small schools under mistresses (excluding dames' schools from all account), whose total income is less than 30*l.*, a sum which, under the Minute (allowing 5*l.* for other expenses), enables them to obtain the services of a certificated mistress. I am also informed that the result of an investigation into the sources of income of a considerable number of schools in the west of England, where the parishes are mostly small, and the resources not large in proportion, gave as the average subscription of the clergy who helped to maintain these schools, a sum exceeding 10*l.* a-year, and the landlords in the same category contributed about 5*l.* I mention this to show how these large sacrifices, made without ostentation, chiefly in small parishes, may now command a far higher measure of results with the assistance afforded by Government.

I purposely content myself with the calculation of cost of the cheapest machinery which will secure a participation in the advantages which flow from the Privy Council. If this problem be solved in the case of the most necessitous, reason itself will teach how to command the more expensive, but still moderate, services of a probationary master. I will only add that I have ascertained that 40*l.*

from the school funds will command many certificated probationary masters, under the Minute, of which something between 10*l.* and 15*l.* ought to be returnable, under good management, into the school funds from school pence and capitation grant.

Thus, for 10*s.* a-week, in the case of females, and 15*s.*, in the case of men, this Minute enables small schools to command teachers, well educated and reported of, returning something into the funds by school fees, claiming pupil teachers and capitation grant from Government. By itself a bare subsistence, such as would hardly repay a labourer or labourer's wife, the Privy Council has by its augmentations contrived to make the situation comfortable and eligible in small rural schools, without hampering the boon with any conditions, or even requiring from them a demonstration of poverty; above all, without departing from the principles which have hitherto ruled their operations.

I will add that these economical arrangements are only within the reach of those managers who will take the pains to lay their plans carefully beforehand, and prosecute with discernment, punctuality, and vigour, their communication with the Training Colleges.

On Elementary School Books. *By* JAMES TILLEARD, F.R.G.S.

I PROPOSE to offer for your consideration a few observations relative to the comparative quantities ordered of different classes of works through the Committee of Council for use in elementary schools under inspection, and to the incorrectness of the information contained in the works on certain subjects. I must premise that the official list, from which the managers of schools are required to select, is confined to works of *secular* information.

The list now in circulation comprises (exclusively of school registers) 1035 books, 210 maps, and 406 diagrams—in all 1651 works. We have, therefore, already a very copious school literature, and new works issue in a constant stream from the houses of our educational publishers. The extraordinary activity which has been displayed during the last twenty years in the production of school books and maps has been a natural consequence of the increased demand occasioned by the rapid extension of elementary education and the improvement of our methods of teaching. It is important to note this evidence of the operation of the ordinary law of supply and demand in this branch of trade, because our school literature is at present suffering from the effects of one instance of interference, on the part of the Government, with the free action of that law, and because the injurious results of such interference are still so little perceived by the promoters of education, that many of them are even now desirous for an authoritative appointment of particular text-books for use in schools under inspection. At present, we possess an educational literature which, in the number, variety, and comprehensive range of the works, and in the more important qualities of literary excellence,

technical accuracy, methodical treatment, and special adaptation to the purposes of instruction, is, as a whole, superior, according to the testimony of capable judges, to the corresponding literature of any other country. The improvements which are constantly being made in our methods of instruction will continue to call forth new and superior works adapted to those improvements.

An official return of the number of copies of each work on the list, which were ordered by the managers of schools in Great Britain through the Committee of Council, between September, 1856, and May, 1859, inclusive, a period of three years (nearly), shows the following results :—

Subject.	No. of works on list.	No. of copies ordered.
Reading lesson books	123	902,926
School poetry	19	16,299
Grammar and English language	59	104,974
Dictionaries and etymological manuals	22	19,802
Arithmetic	55	135,323
Bookkeeping	6	5,404
Mensuration	11	6,786
Algebra	20	6,860
Writing	4	1,277
Vocal music	24	4,905
Geometry and trigonometry	28	6,901
Practical mathematics	24	2,238
Political and historical geography	62	76,696
Physical and mathematical geography	22	6,140
School atlases	42	14,814
Geology and mineralogy	18	1,193
Botany and vegetable physiology	21	1,527
Zoology and animal physiology	32	5,422
Chemistry	28	3,039
Arts and manufactures	5	1,567
Gardening and agriculture	9	1,856
Preservation of health	6	1,837
Natural philosophy	58	6,712
Mechanics and mechanism	32	3,409
Popular astronomy	34	3,121
Domestic economy	14	9,818
British history	53	62,768
History of Scotland	9	2,388
General history	9	1,119
Modern history	10	997
Principles of teaching	30	9,416
Mental and moral philosophy	14	2,254
Political economy	12	2,943
Works of reference	5	1,103
Wall maps	72	14,369
Diagrams	406	6,902

The total number of schools for which these works were ordered was about 3,800. It should be stated that there are a few colonial schools and mechanics' institutes included in the number.

In the following remarks it is presumed that the number of works ordered in any given subject is a fair index of the estimation in which that subject is held by the managers and teachers of the schools.

These figures appear to warrant the inference that the scholars in our primary schools are at present receiving very little systematic instruction in the natural and physical sciences. All the books ordered in all these sciences did not amount to one-fourth of the number ordered in the subject of grammar alone (not reckoning the books on English language included under the same head in the list). This conclusion is confirmed by the insignificant extent to which managers of schools have hitherto availed themselves of the very liberal assistance offered by the Committee of Council towards the purchase of scientific apparatus. Only 27 schools appear to have received assistance towards this object in 1858, and the total amount of the grants was no more than 313*l.* 16*s.* 7*d.*

It is quite unnecessary, in the present advanced state of public opinion on the subject of national education, to offer any remarks upon the educating power and practical utility of these branches of knowledge. There have been abundant indications, particularly since the Great Exhibition of 1851, of a wish, on the part of the friends of education, that science should be introduced into our common schools, and this wish should be responded to by the managers and teachers of such at least of those institutions as are receiving the public money.

It is true that a good deal of instruction in science is contained in the ordinary reading lesson books, and that this amount is considered by many promoters of popular education to be as much as can, with any advantage, be attempted in these schools, on account of the short time during which the children remain there. If the scientific lessons in these books were well illustrated by teachers, by means of simple experiments, and made the nucleus for additional information, *not* to be found in the reading book, much would already be done towards the teaching of science. Even this, however, would not appear to be accomplished at present by the generality of the schools. What sort of 'illustration' these lessons occasionally receive appears from Mr. Middleton's last report, in which he tells us that he 'sometimes found a highest class groping its weary way among scientific lessons, without a scientific teacher or scientific apparatus.' It is true, this was in the 'far north,' and it is possible that English inspectors never meet with any such cases. Probably nothing would have a more powerful tendency to retain children at school than well illustrated lessons in natural and physical science, for such instruction is intensely interesting to children, and poor parents have a keen appreciation of the kind of knowledge that is most likely to benefit their children in after life.

This neglect of physical and natural science in our elementary

schools would seem to show a want of qualification, on the part of the teachers, to give the instruction, and for this want of qualification the training colleges must be held responsible. How is it, then, that scientific instruction is not more attended to in the training colleges? Because it is not attended to at the universities, which are for the most part responsible for the education of the principals and vice-principals of these institutions. And thus it appears that the machinery which has been set to work, at the public cost, to provide a practical education for the children of the labouring classes, is at the present time only multiplying faint and partial impressions of the abstract stamp of university culture. This neglect of the systematic teaching of physical science in the training colleges, and this general tendency of the education given in them, were repeatedly pointed out by Canon Moseley, during the time that he filled the office of Her Majesty's Inspector.

Considerable improvement is to be expected from the operation of the recent Science Minute of the Committee of Council, which holds out great inducements to teachers to qualify themselves for giving instruction in the various branches of natural and physical science to classes of operatives.* Still it is to the training colleges that we must look for any general elevation of the standard of schoolmasters' qualifications in this respect.

Another subject, which would appear from the return to receive comparatively little attention, is that of economic science. The total number of books ordered in this subject during the three years, over which the return extends, does not give an average of one book to each school. Some persons may perhaps think that this fact needed no proof. I refer to the evidence of the figures, however, because I frequently hear schoolmasters say, in reply to recommendations to teach Social Science in their schools, that they already teach it.

On the practical value of a knowledge of the principles of economic science to the working classes, it would be altogether superfluous to offer any remarks before the members of this Association. If a public opinion in favour of the teaching of the subject in our common schools does not already exist, we may hope that the influence of the Association will speedily create one.

If it be objected that it is impossible to find time for teaching these things in common schools, the obvious reply is, 'Take some of the time at present devoted to grammar, political and historical geography, and history.'

Judging from the character of the class-books and text-books most extensively employed, the utility of much of the instruction given in these subjects is exceedingly questionable. A painfully minute acquaintance with the classification of the ultimate particles of speech, with universal topographical and statistical information, and with chronological and genealogical tables, can scarcely be considered indispensable to the children of the poor. Such knowledge has neither

* See Mr. Hastings' Paper, at page 403.

educating power nor practical value, for it is not by *facts* but by *thoughts* that men are educated.

The return would appear to show a tolerably active demand on the part of teachers for works relating to the principles of their own profession. But it is necessary to state that nearly 40 per cent. of the books ordered were copies of collections of ready-made lessons. The systematic treatises on the principles of education, a knowledge of which would enable teachers to make their own lessons, had but a small sale, for so large a number of schools, containing, in most instances, pupil teachers under professional training.

I wish now to call attention to the enormous preponderance which the sale of the books of the Irish Commissioners has over the sale of other books under the same heads.

Of the 902,926 reading lesson books ordered, 480,724, or more than one-half, were copies of the books of the Irish reading series. No other series reached 100,000 copies.

Of the 16,299 copies of books of poetry ordered, 8546, or, again, more than one-half, were copies of the two volumes of selections published by the Commissioners.

Of the 104,974 copies ordered of works on grammar and English language, 20,965 were copies of the grammar of the Irish Board, which thus had about one-fifth of the total sale.

Of the 135,323 copies of arithmetical works ordered, nearly 50,910, or 37 per cent., were copies of the Irish 'First Book of Arithmetic.' No other arithmetic reached 11,000 copies. The higher arithmetic of the Board came second among the text-books, its sale being 4687 copies.

Of the 5404 copies ordered of works on bookkeeping, 3589, or 66 per cent., were copies of the Irish book. No other work on the subject reached 1100 copies.

Of the 6786 copies ordered of works on mensuration, the two books by the Irish Board had together 4950 copies, or 72 per cent.

Among the 76,696 copies ordered under the head of political and historical geography, the Compendium by the Irish Board took the lead with 8682 copies, or about 10 per cent.

The Irish 'Agricultural Class Book' had a sale of 1366 copies, or 70 per cent. of the 1933 copies ordered under the head of gardening and agriculture.

The only exceptions to the rule were the works on algebra, geometry, and natural philosophy.

The defects of the Irish reading series were well pointed out by the writer of some able articles, on the subject of Elementary School-Books, which were published in the *English Journal of Education* in 1854-5.

'The first book,' he says, 'appears to have been written with an exclusive view to reading as a mechanical exercise, for a great part of it is sheer nonsense. This is a serious defect, for everything that a child learns should have a distinct meaning, however simple. The second book is good, but a great part of its sequels is more difficult

than the third book, to which they are intended as an introduction. Again, some part of the latter is as easy as the second book. With the fourth book, however, we have more serious grounds of quarrel. We do not remember to have seen a greater number of blunders than are contained in the geographical portion of this volume. We have been from year to year hoping that they would disappear in a new edition, but we perceive that they still disgrace the last as yet issued. (This is still true.) . . .

'We would respectfully urge on the Commissioners the expediency of making some additions to these works, in order to keep them on a level with the progress which has taken place in the application of science to social purposes since their first publication. For example, we would fain find in them some notice of railroads, electric telegraphs, and other inventions.'

'The Irish series,' this writer further says, 'abounds in words which no pupils, and not many elementary teachers, comprehend, and which, from their abstract or figurative character, are not easy to explain offhand; and yet it does not furnish the slightest assistance towards interpreting such expressions, or even a hint that they need interpretation. The consequence of this is, that by the common run of teachers they are passed over, under the educational fiction that the children *must* understand them, until some inquisitive visitor asks the meaning of one of them, and brings out an answer more creditable to the children's imagination than to their knowledge.'

The deficiencies of the Reading-book for Female Schools were ably pointed out by a correspondent of the journal, at the same period. The following are his leading criticisms:—'Some of the best extracts are from Abbott, and from the *Quarterly Journal of Education;* and having been written for teachers, not for pupils, the style is suited to the understanding of grown-up people.' 'In other extracts the ideas are of the simplest kind, but are sometimes put into language that is pompous or absurd, and sometimes are so vaguely and confusedly expressed, that they have to be disentangled from the mass of words beneath which they lie concealed, before they are intelligible.' 'Towards the end of the book there are articles on education, in which, as the subject is larger, the faults are more complicated. Not only is the language bad, but the ideas are vague and confused.' 'Of the 110 pieces of poetry given in the book, few contain poetical thoughts clothed in harmonious words; a large number are from second-rate poets of an antiquated school, not, indeed, without some merit, but merit of a kind that does not come home to the sympathies of young people.' 'Another objection to a large proportion of the moral and religious pieces is, that they are on subjects the very nature of which is unintelligible to a child.'

The Irish reading books were certainly a great advance at the time of their original publication, when the present educational movement was in its infancy; but, as compared with other reading books now in use, they cannot, as it appears to me, be considered to possess more than an average degree of merit.

The Irish books on *special* departments of instruction have never,

so far as I am aware, been considered to possess more than average merit, and, at the present time, they are certainly below the average.

It is evident that the continued and increasing preponderance of the Irish books in the schools of Great Britain is mainly due to their extraordinary and altogether abnormal cheapness. The evil effects of the interference by the Government with the free action of trade are thus beginning to be practically demonstrated in the case of these books.

This extreme cheapening of the Irish books is unjust to the authors and publishers of other school books, detrimental to educational literature, and prejudicial to education itself. It is unjust to the authors and publishers of other school books, for their works do not compete on equal terms with the works which have this advantage in the market. It is detrimental to school literature, for this unjust competition deters men of talent and experience from writing new works for the use of schools. It is prejudicial to education itself, not only on this latter account, but because the books thus cheapened keep better books out of the schools.

The evil effects of the unfair competition of the Irish books in the English market have rather been increased than diminished by throwing open the copyright in them to the trade generally. Had the Government *sold* the copyright to some one publishing firm, these books would then have been placed upon the same footing in the market as other books; but the throwing open of the right to print them, and of all the benefits of their previous advertisement, only increased the undue advantage which they already had in the competition, for the rivalry of different firms immediately had the effect of still further cheapening them. They are now being multiplied in all directions, and, as special editions are issued for middle class schools, we may judge that they are about to expel all other books from these schools, as well as from the schools for the poor.

Another result of the same rivalry is, that the books are being multiplied with all their defects and errors in them; for to incur the expense of employing competent persons to revise them would necessitate the raising of the prices, and this would place a revised edition at a disadvantage in the market. Thus these defects and errors will be perpetuated for some time to come.

The Government cannot now recall the right of publishing these books; but the managers and teachers of schools may do much towards mitigating the evils pointed out, by endeavouring to select the best books in the market, even though they should cost a little more.

Another subject, to which I feel it important to call the attention of the promoters of education, is the antiquity (if I may so term it) of the information contained in many of the books of geography which are at present in use in the schools. I will, with your permission, lay before you some specimens of the information which multitudes of the rising generation are now acquiring, under the delusion that it is *modern* geography.

A well-known work, called 'Geography Generalized,' the current edition of which is dated 1859, and purports to be 'revised and corrected,' contains, in the maps and in the division on political geography, the following, among other, instances:—

In the maps of the Western Hemisphere and of North America, the entire territory of the United States is represented as lying on this side of the Rocky Mountains. In the map of South America, the old confederation of Colombia (which was broken up in 1831) is shown, and Bolivia is marked as a part of La Plata.

At p. 177, Prussia and Sardinia are mentioned as countries under *absolute* monarchies, only in a less degree than Turkey, Russia, and Austria.

A list, on p. 181, of the colonies and foreign possessions of Great Britain does not include Pegu or British Colombia (Oregon is mentioned), and enumerates Berar and Oude among 'tributary and protected states;' and at p. 239, it is stated that 'the British have *considerable influence* in Assam.'

At p. 187, the population of London is stated to amount to 'upwards of *a million* and a half.'

At p. 212, the expedition sent out by the British Government to the Niger, in 1841, is spoken of in the text as *now* happening, and in an explanatory (?) foot note as *recent*. None of the recent discoveries are embodied in the description of Africa which follows.

In a list of the United States, on pp. 245-6, ten states (or territories) are omitted. The whole of Central America is spoken of as the 'republic' of Guatemala, and both this territory and Mexico are said to have been *lately* Spanish possessions. (They date their independence from 1813 and 1823 respectively.)

References are made in several parts of the book to statistics of 1840 and even earlier years.

The current edition* of the 'Outlines of Geography,' published under the direction of the Christian Knowledge Society, contains the two following statements, among many similar ones:—

'The inhabitants of that part of the Turkish dominions known by the name of Greece have *lately* made themselves independent.'

'The *two* islands of which New Zealand consists are inhabited by savage tribes, but Europeans have *now* begun to settle among them, and the Gospel has taken root.'

The 'Epitome of Geography' published by the Irish Board, Milner's 'Universal Geography,' by the Religious Tract Society, the 'Colonies of Great Britain' by the National Society, all the geographies of the Scottish School Book Association, and many others, contain similar errors. The population of England, Scotland, and Ireland is given in several of these books according to the census of 1841, and in one or two according to that of 1831.

The geographical lessons in some of the reading books are open to the same objection. The antiquity of the geographical infor-

* A revised edition has been published since this Paper was read.

mation given in the Irish Fourth Book has already been alluded to. The following statements occur in the current edition (that of 1858):—

P. 56. 'All the trade *and manufactures* of London are carried on in the *city*.'

P. 109. 'If any of his (the sultan's) nobles or attendants displease him, he instantly orders them to be put to death without trial.'

P. 127. 'Egypt was till very lately governed by the Turks, but a pacha or governor under the sultan, called Mahomed Ali, has rebelled against his master and made himself an independent sovereign of the country.'

P. 155. 'Van Diemen's Land is *still* a penal colony.'

P. 156. 'The New Zealanders are fond of fighting, and in war very cruel, actually eating the flesh of the prisoners they take in battle.'

The Second Collection of Instructive Extracts by the Scottish School Book Association, in the edition now in use in the schools, gives the population of Great Britain as it was *before* the census of 1831.

The same objection applies to many of the atlases and separate maps at present in use. The following are the inaccuracies which occur most frequently:—

Europe. Boundary between Russia and Turkey not given as defined in pursuance of the Treaty of Paris (1856). Aland Isles coloured as belonging to Sweden, as they did before 1809.

Asia. One or more of the following provinces not marked as portions of our Indian empire—the Punjaub, Scinde, Oude, Nagpore, Assam, Pegu, and Tenasserim.

Africa. The Mountains of the Moon shown as if they were still believed to range east and west. The whole of the interior marked 'unknown.' Neither the Orange River Free State nor the Transvaal Republic indicated in any way.

America. The territorial extent and divisions of the United States given as they existed before 1848, or even earlier. The five republics of Central America represented as still forming, (1) a confederation, as they did before 1839, or (2) the kingdom or Captain-Generalcy of Guatemala, under Spain, as they did before 1823, and the three republics of the north of South America as still forming the Confederation of Colombia, as they did before 1831.

Some of the books on arts and manufactures are also open to objection on this ground. They fail to embody many of the principal inventions and improvements which have recently been made, and, although bearing a recent date, are often applicable only to the state of the mechanical arts upwards of twenty years ago.

In 'Griffin's Book of Trades,' the current edition of which is dated 1858, there occur the following examples:

At page 291, the old mail coaches are described as an existing mode of conveyance, and it is stated that 'although they carry passengers, their more important use is to convey the mail *rapidly* from one part

of the country to another, a matter, among a commercial nation such as ours, of very great importance.'

At page 297, railways are alluded to as just coming into use, and the one between Liverpool and Manchester is stated to be 'that which is most noted as a railway for passengers as well as goods.'

At page 303, speaking of the Thames tunnel, this book says, 'Government has *now* agreed to advance the necessary money, and there is every hope that this magnificent undertaking will at length be prosecuted to a successful termination.'

No mention is anywhere made of electrotyping, photography, or electric telegraphs, and, to judge from this book, one would suppose that the mechanical arts must have been stationary for the last quarter of a century.

In some instances, the antiquated character of the information contained in a book appears to arise from too large an edition having been printed for the demand that has followed. When this happens, is is not unusual to find the old body issued with a new face, bearing a new date, and the price perhaps reduced. An edition of the 'System of Universal Geography,' by Malte Brun and Balbi, has just made a leap of this kind, by which it has become eight years younger. In the majority of cases, however, the works are stereotyped, and impression after impression is printed off with none but the most insignificant alterations. The date on the title-page is, nevertheless, continually advanced, and each successive edition marked 'new and corrected.'

I do not mean to condemn the practice of stereotyping books of this class; but I think the public has a right to expect that each edition shall be brought up bonâ fide to the actual state of facts at the date which it bears in its title-page. In order to guard against purchasing incorrect works for the use of their schools, the managers and teachers should endeavour to inspect specimen copies of the current editions, before ordering supplies of any works containing information of a temporary character.

The remarks just made, as well as those under the previous head, show how desirable it is, for the sake, not only of individual schools, but of schools generally, that the managers and teachers should have the fullest liberty of selecting books for the use of the pupils. No educational society should, either directly or indirectly, require the schools in connexion with it to use the books published by it; nor should any school be bound down by its trust-deed to use the books of any particular society. Further, Her Majesty's Inspectors, who, in the eyes of country school managers and teachers, represent the Government in all its authority, should avoid every interference in the sale and in the production of school books. They have already been instructed by the department under which they act (see Minutes 1857-8, p. 25), to refrain from giving any official sanction to particular works. The spirit of these instructions requires that they should also keep their own hands entirely clear of the writing or editing of school books.

On the Relation of Ragged Schools to the Educational System of the Country, and their Consequent Claim to a full Share of the Parliamentary Grant. By MARY CARPENTER, *Bristol.*

IT is well occasionally to revert to first principles. It is especially necessary, when a new system has arisen, intended to meet particular wants and to remedy particular evils, to test, from time to time, its adaptation to supply those wants, and to meet those evils, as well as to examine how far it accords with the principles on which it was originally founded.

Such general review of the educational condition of our country, its excellences, and its shortcomings, was last year afforded to this section by the presidential address, and it was given by one who, from his high official position in the Committee of Council on Education, must be fully conversant, not only with its principles, but with its general action. Comparing, as he did, the educational condition of our country with that of most other European nations, we might, to a superficial observer, appear to be deficient, because we cannot exhibit the complete governmental regulations for the education of the working classes which are the boast of France, Russia, Prussia, and other countries. The British nation is impatient of bondage of any kind, and would not tolerate the thraldom even of an education imposed forcibly on it. 'The State system abroad,' he remarks, 'acted mechanically by regulations; lacking this element, ours, which could hardly be called a system, and yet was strong in moral influence, originated by compassion, sympathy, and religious zeal, which imparted vitality regulations could not. It was a labour of love, not of office.' Such being then the spirit of the educational movement of our country, it has, from the first, been the principle of State assistance to encourage, not to force—to give aid, where needed, under such conditions as should secure right application of funds, and to stimulate to voluntary effort, rather than substitute for it government institutions, however excellent. Such a principle is admirable, and gives the fullest scope for improvement, and free adaptation to the exigencies of the country. But it involves very high responsibilities, and requires frequent examinations and inquiries into the working of different systems, and the results of particular modes of action. Now, one of the most striking evils which exists in connexion with the education of our country, is, not an inadequate number of schools—these the voluntary and zealous efforts of individuals have supplied—but an enormous discrepancy between the number of children who ought to be at school and those who are actually in attendance; also the very early period at which children are withdrawn from schools by their parents. This evil was so glaring that a Conference was convened two years ago expressly to consider it. The number of children who are growing up in England without any education was then revealed to the London Educational Conference by the

President, H.R.H. the Prince Consort. 'We are told,' he says, 'that the total population of England and Wales of children between the ages of 3 and 15 being estimated at 4,908,690, only 2,046,848 attend school at all, whilst 2,861,848 receive no instruction whatever.' Again, he continues, 'carefully collected statistics reveal to us the fact that, while almost 600,000 children between 3 and 15 are absent from school, but known to be employed, no less than 2,200,000 are not at school, whose absence cannot be traced to any ascertained employment or other legitimate cause.' Other statistics laid before the Conference showed that out of 1174 children at that time maintained at public expense in reformatories, only 259 had sufficient education on entering the school to read the Testament, and about one half were in a state of profound ignorance. Of 19,336 persons apprehended in the town of Liverpool in nine months, only three per cent. could read and write well enough for any available purpose.

With a view to stimulate to more regular attendance at school, an essential element in a good education, the Committee of Council offered a capitation of 5*s*. per annum to the managers of pay schools for every child who had been in attendance for a certain number of days in a year; and not only held out other stimulants to the acquirement of a good education, but seconded the efforts of those who afforded it. When, however, every effort has been made by the Committee of Council on Education, by managers of schools, and by private individuals, a very considerable number of children remain on whom these have not the slightest influence. 'For a considerable part of the absentees,' says the late Vice-President of the Committee of Council on Education, 'a warrant of the magistrate conveying them to a certified industrial school, or the sentence of a judge to a reformatory, are, I fear, the only effectual provision—or by Ragged Schools, in which the adaptation to the peculiarities of the neglected and the castaway have now been recognised by their formal admission to a share in the public grants.'

The position here assigned to Ragged Schools is the true one. They are schools in which the peculiar feature of the educational movement is most fully developed; they originate entirely 'in compassion, sympathy, and religious zeal'—they have been 'a labour of love, not of office'—and thus, as truly remarked by Mr. Cowper, a vitality has been infused into them which has enabled their supporters to surmount every difficulty; and, notwithstanding the neglect, misrepresentation, and repulses they have endured, they have triumphantly proved that these poor, neglected children can be induced to attend the schools without any bribe but that of Christian sympathy, and the natural desire of the human mind to improve, that they can be taught and can be made useful members of society. It is hardly necessary here to repeat what has been so often laid before the public, how in one year 460 old scholars presented themselves, from the Ragged Schools, with good characters from employers, to the society established in London for giving annually small prizes to such; 1260 were put out into situations; the Shoe Black Brigade earned 2981*l*. towards

their own support; and in 46 of the 100 schools connected with the union there are no fewer than 10,117 depositors in the penny banks, who have paid in 3,439*l.*! Such results, in different degrees, will be found wherever Ragged Schools have been faithfully and efficiently worked. They are, as again Mr. Cowper most truly observed, the very schools which meet the peculiar necessities of these school-neglected children, who are untouched by the existing day schools. Cramped by no theories, bound down by no preconceived systems, they have adapted themselves to the wants of the class of children they have had to deal with, and have exhibited a liberality in pecuniary contributions, and an amount of self-sacrificing effort unrivalled in any other educational department.

Surely, then, if any schools are aided, Ragged Schools should be so! If help is given by Government to enable the labouring classes, who can and will do something themselves, to obtain a good education, why does it not help those perishing thousands or millions who neither can nor will give their children schooling. If 5*s.* per annum is given to induce children who pay to be regular at school, why is nothing given to induce those wild ones to be punctual? That help is deemed very needful to enable the working classes to obtain a suitable education is shown by the sum expended annually in providing teaching power. We learn from the last published report of the Council that there has been spent in the year ending December 31st, 1857—

In augmenting the salaries of certified masters and mistresses, the sum of	£64,490	14	10
Stipends of pupil-teachers and gratuities for their special instruction	192,248	8	0
In paying salaries of assistant-teachers	5,544	4	6
Making in all	£262,283	7	4

which has been bestowed undoubtedly most beneficially, in aiding to give an efficient teaching power to the schools for the labouring portion of the population, and as much again has been given towards the erection of schools and various other expenses. In illustration of the valuable and important aid afforded to these schools for the labouring classes, we may refer to the printed reports of the Harrington British Schools, Liverpool, being the Fortieth Report to May 1st, 1855, and the Forty-third Report, to May 1st, 1858.

The Harrington schools had on the books—

In 1855, 595 children and 11 pupil-teachers, entirely paid by Committee of Council, with gratuities to instructors.
In 1858, 601 ditto and 14 ditto ditto.

Money granted to the school by Committee of Council	1855	£224	10	0
	1858	332	11	0
Raised by voluntary contributions	1855	121	17	0
	1858	84	12	0

Here we see that pupil teachers have been granted to the school in the proportion of nearly three for every hundred children in atten-

dance, and that in the year 1855 the grants nearly doubled the voluntary contributions, while in 1858 they nearly quadruple it. There is no reason to suppose that this admirable set of schools are specially favoured. On the contrary, we know of other schools receiving quite as much from the educational grant, or even more, and, as in this case, making a good use of such aid, and sending forth to the public excellent trained teachers, and young persons well grounded in all knowledge needful for the ordinary purposes of life. But why, then, are these children left uncared for and unhelped by the parliamentary grant? They are not only injuring themselves, and growing up unable to rise above their position among the dregs of society, but they are dragging down those above them, both by actual contact and indirect influence. On every account, and in consideration both of the efforts of the managers and the wants of the children, these schools would appear largely deserving of help. Yet, if we examine the reports of two Ragged Schools which, from the commencement, have striven to comply with the requirements of the Committee of Council on Education, we find that, while at least four times the amount of voluntary contribution may be made to pay schools, this is the aid granted to the Bristol and to the Cardiff Ragged Schools :—

		1853.	1854.	1855.	1856.	1857.
		£	£	£	£	£
Bristol	Voluntary contributions . .	257	246	175	221	242
	Government aid	13	81	113	105	59
Cardiff	Voluntary contributions . .	...	...	...	265	262
	Government aid	...	...	...	70	...

In 1858, under the present Minute, the Bristol School has received as a maximum grant 36*l.*, and the Cardiff School 34*l.*, the expenditure of each remaining as in former years, *i.e.*, not one-sixth of the voluntary contributions. And though Ragged Schools are now acknowledged to be part of the educational system of the country, yet no grants (except those for the purchase of books and maps) will be made in aid of the purely scholastic instruction, unless a certificated teacher be employed; and the inspector is directed not even to ask for half the rent of any part of the premises which are not used for industrial instruction.

Now, sympathizing as we know are individual members of the Privy Council with the Ragged School movement, and anxious to do justice to all, we must refer this state of things to some wrong principles at work, and as these were, at the last meeting of this Association, set forth distinctly by the late Vice-President, we may, by endeavouring to show their fallacy, perhaps lead to a different system being adopted.

The objections felt by the Committee of Council on Education to giving efficient aid to Ragged Schools, as then stated, reduce themselves then into the following.

First, that in giving educational help, an officer of the State ought not to take it for granted that there would be permanently a Ragged

School class in the country, and therefore ought not to make provision for it.

Surely this is not the principle on which the government of our country is carried on! It 'arises from a wrong state of things' unquestionably, that the Ragged School exists; it arises equally from a 'wrong state of things' that the pauper class exists,—that thousands of our countrymen and women annually find it impossible to obtain an honest living in England,—that the sanitary condition of our large towns is such as to perpetuate disease both of body and mind,—that crime is constantly committed, even in open day. And does the government of our country remain passive, and allow of the existence of dreadful evils, because these things ought not to exist; and does it not become a statesman to do something more than ignore them? Should he not rather grapple with each evil in such way as appears most for the good of society in general and for the individual concerned? Does not the Government provide in such way as seems best for the necessities of paupers,—aid in the emigration of those whose labour will find a better market in more distant parts of the empire,—grapple vigorously with the unwholesome condition of streets and alleys, and even of private houses,—and with respect to the thousands of criminals who annually spring up afresh in our country, does it not withdraw them from society, feed and clothe them, and otherwise provide for them, even at the risk of appearing thereby to discourage the honest labourer, who has often a far more scanty fare for himself and family than the pauper and the felon? No Government does act on such a principle in other matters,—why should it do so in respect to the 'something rotten in our State,' which poisons its very core—the millions of untaught children who neither can nor will avail themselves of the higher educational establishments.

Secondly, it was objected that 'the children of the Ragged School class were not in general the children of parents who could not pay, but rather of those who would not pay.' A more extended inquiry on the part of the Committee of Council would have elicited very different results. The fundamental rule of the London Ragged School Union, and of Ragged Schools in general, is to admit such children only as cannot attend the higher schools. Exceptional cases may of course be met with in individual schools, and any departure from the general rule should of course be corrected; but it cannot be imagined that individual benevolence would be so largely and perseveringly exercised throughout the country unless to supply a very great and glaring want. A recent examination into the condition of the children of the Bristol Ragged School proved that the parents of about one-half were actually receiving parochial relief; another portion were in the lowest depths of poverty, struggling with difficulty to obtain their daily bread, and often obliged to come to school without having had their morning meal; while a third class were the children of thoroughly dissolute parents, whose vicious habits rendered their children in even a worse condition than the others. The annual visit of her Majesty's Inspector has always confirmed the belief of the

managers, that the children were of the 'right class;' were it otherwise, it would be easy to have them removed to other schools. Now, we acknowledge that the last class, viz., of parents who cannot pay, simply because they choose to spend their money in vicious indulgence, presents an apparent difficulty, as it might seem that they are being rewarded for their neglect by a gratuitous education being given to their children. It is forgotten that parents in so low and degraded a condition are utterly careless about the education of their children, and do not feel that any special boon is conferred on them by having it given to them. These are the very children whom it is most difficult to induce to attend school regularly, and whom it is most necessary to teach, for their own sakes and the good of society.

'And this is not one of the cases,' says so distinguished a political economist as John Stuart Mill, 'in which the tender of help perpetuates the state of things which renders help necessary. Instruction, when it is really such, does not enervate, but strengthens as well as enlarges the active faculties; in whatever manner acquired, its effect on the mind is favourable to the spirit of independence; and when, unless had gratuitously, it would not be had at all, help in this form has the opposite tendency to that which in so many other cases makes it objectionable: it is help towards doing without help.'

The *third* and last argument against giving educational aid to Ragged Schools, is that the doing so might make them permanent institutions, and draw down other schools to them, instead of raising the class received by them.

It would indeed be right that a Government should guard against such a danger if it really existed. But we believe that it is purely imaginary. During the twelve years that Ragged Schools have been in operation, we have never heard of a single instance of a National or British School being drawn down to the condition of a Ragged School, or of its injury from the proximity of one. On the contrary, we do know numerous instances, and we believe that the experience is general, of pay schools being decidedly benefited by the neighbourhood of a good Ragged School, which has removed from the streets wild children who would otherwise have annoyed and contaminated their regular scholars, and from the schools a few lawless children of disorderly parents, whose irregularity of attendance prevented their own improvement, and made them an extreme hindrance to others.

We know that while Ragged Schools have been increasing in numbers during the last twelve years, pay schools have also, in the very same localities, showing that a stimulus was given to education in general, by working on the lowest grades, and raising them; indeed, in some cases Ragged Schools have been closed, or have ceased to have that character, because the children attending them have been raised to the condition of attendants on National and British Schools.

Space does not permit our entering on further details, which might illustrate the following positions, but we hope that they have been now clearly proved:—

First. That Ragged Schools, or free day-schools for the children of

the perishing and dangerous classes of the community, form an integral part of the educational system of our country, and bear a very important relation to the pay schools for the labouring portion of the community.

Secondly. That they have a consequent claim to a full share of the educational Parliamentary grant, and that, in accordance with the principles already recognised by the Committee of Council on Education, they ought to have a larger share than other schools, because there is necessarily spent in their support a far larger amount of voluntary pecuniary aid, and because this grant is not given for the benefit of the middle classes of society, who may be supposed able to help themselves, but for those who need help: these children need it more than any others, both for their own sakes and for the welfare of society. We have proved in former papers that the help given must be of a very different kind from that afforded to the higher schools, and adapted to the necessities of the class.

Thirdly. That as the Committee of Council on Education does not grant any educational help to Ragged Schools, though recognising their existence, but has even withdrawn what was given in a former Minute (June, 1856), presentations should at once be made, to induce them to place Ragged Schools on a satisfactory footing.

Thus, we believe, should the State take its share in the education of its perishing children. This will not relieve Christian philanthropic effort from the work it has undertaken, but only enable it to do that work more effectually. We must still strive on with devoted efforts, consecrated to Him who giveth to us our talents that we may render them back with rich increase. It is by this combined action only that an effectual check can be put on this growing evil of ignorance and vice in our country, and thus will the duty be discharged by society which was so forcibly set forth by the distinguished consort of our beloved Queen. 'It is our duty,' said his Royal Highness Prince Albert, when concluding his address at the Educational Conference, 'the duty of those whom Providence has removed from this awful struggle and placed beyond this fearful danger of being crushed beneath unavoidable ignorance,—manfully, unceasingly, and untiringly to aid, by advice, assistance, and example, the great bulk of the people, who, without such aid, must almost inevitably succumb to the difficulty of their task. They will not cast from them any aiding hand, and the Almighty will bless the labours of those who work in His cause.'

On the New Minute (Aid to Science Instruction) of the Committee of Council on Education. By GEORGE W. HASTINGS.

Of late years a greatly increased interest in natural science has arisen throughout the country. The importance of an acquaintance with

the laws regulating the material world around us, and with the various developments of organic life, has been fully recognised, so that these branches of knowledge are no longer the privilege of a small scientific class, but have become the common inheritance of all cultivated minds. It has followed as a natural consequence that the course of education has been enlarged in the direction of natural science, that the universities have established special facilities for the new studies, and that efforts have been made, through mechanics' institutes and other similar institutions, to spread a taste for this kind of knowledge among the industrial classes. Still there are great shortcomings in our practical appreciation of the importance of natural science, and of a universal diffusion of its principles; and to three of these shortcomings I will very briefly advert.

1. The collections of objects of natural history which now exist in many of our chief towns are not sufficiently regarded as educational institutions, capable, if rightly used, of improving the intellectual training of all classes of children. Museums are too much looked upon as repositories for objects of curiosity, and they are not adequately utilized in illustrating the natural productions and industrial capabilities of the districts in which they are situated. There may be exceptions to this statement, but as a rule it is certainly correct.

2. The value of instruction in natural science as a means of training the minds of children to accurate and intelligent observation, and of developing mental faculty, is not generally appreciated. In comparatively few schools is any real instruction given, even in the ordinary phenomena of nature, much less in the secrets of that beautiful world, vital and inorganic, which the Creator has given us for our pleasure and instruction, as well as for our material use. Such knowledge should be taught in every school, and not a child be suffered to grow up ignorant of the revelations of Providence in the world of Nature.

3. There is a want of qualified and well-trained teachers in these branches of knowledge. If any zealous promoter of education, and, fortunately, there are many such, should be desirous of utilizing a museum for purposes of popular instruction, or of adding the truths of natural science to the ordinary knowledge given at national schools, he would probably find some difficulty in finding teachers on whose knowledge and capacity he could rely. It is true that, in some institutions—such, for instance, as the Birmingham and Midland Institute—there is excellent instruction given in several branches of science; but in the country generally, such facilities for acquiring this kind of knowledge are absolutely non-existent.

A minute of the Committee of Council on Education, dated the 2nd of June last, and which we owe to the President of this department, seems well calculated, if it be adequately availed of, to remove these obstacles in the way of teaching natural history. This minute adds natural history to the class of subjects on which the Science and Art Department will aid the industrial classes in obtaining instruction, both by examination and certification of teachers, and by money

grants in aid. Examinations for certificates of three grades of competency will be held annually in the month of November; and any certificated teacher giving instruction in a school or science-class for the industrial classes, approved by the Department, and in which ten pupils shall be enrolled, will receive an annual grant of 20*l.*, 15*l.*, or 10*l.*, as the case may be. Every such school or class will be examined once a year, and Queen's prizes will be awarded to successful students; and I believe it is in contemplation to hold a further examination at Kensington, when these prizeholders will compete with each other for further distinction. It is intended, I may add, to distribute the branches of knowledge included under the term Natural History into divisions, so as to render the examinations the more efficient. This minute will come into operation on the 1st November next, and a great opportunity will then be afforded for the spread of natural science through the working population. The curators, or other resident officers of local museums, may qualify themselves for teachers, and by obtaining even a small class may add to their own remuneration, as well as make the institution to which they are attached more practically useful. School teachers will be stimulated to obtain certificates under the new regulations, and thus numerous channels for the diffusion of a knowledge of natural history will be opened through the country.

It would be easy to point out the other branches of instruction of a similar nature fostered by the Committee of Council, such as those of geometry and navigation, so valuable to a population rife with mechanical talent and seafaring enterprise; but I have limited my observations to the subject of natural history, in order that the attention of those attending this department may be more prominently drawn to that new feature in the Government regulations. There are here many zealous promoters of education, who have it in their power in their several localities to make this minute known, and to extend its practical working. Let such consider for themselves, if they have not done so hitherto, the importance of natural science as a means of mental training. It is that kind of knowledge which peculiarly elevates and refines the intellect, because it reveals God to man. It teaches His plans, imparts His ideas, shows us the types on which He has worked, guides us to the inner secrets of His creation, and makes us partakers of His mind. Of such, more than of any other human learning, we may say with the great poet,—

> Ignorance is the curse of God,
> Knowledge the wing wherewith we fly to heaven.

'SCIENCE AND ART DEPARTMENT OF THE COMMITTEE OF COUNCIL ON EDUCATION.

'AID TO SCIENCE INSTRUCTION.

'*At South Kensington, 2nd day of June,* 1859.

'By the Right Honourable the Lords of her Majesty's Most Honourable Privy Council on Education.

'Present—The Most Noble the Marquess of Salisbury, K.G., Lord President of the Council; the Right Hon. C. B. Adderley, Vice-President of the Committee of Council on Education.

'My lords proceed to revise the minutes which have been passed in the Science and Art Department for the encouragement of scientific instruction among the industrial classes of this country who have already received primary education.

'I. All former minutes relating to science or trade schools, and scientific class instruction, except those referring to navigation, public lectures, and the training of teachers (as hereafter appended), are hereby cancelled, and the following regulations are substituted in their place:—

'II. The Science and Art Department will hereafter assist the industrial classes of this country in supplying themselves with instruction in the rudiments of—

'1. Practical and descriptive geometry, with mechanical and machine drawing, and building construction,

'2. Physics,

'3. Chemistry,

'4. Geology and mineralogy (applied to mining),

'5. Natural history,

by augmentation grants in aid of salary to competent teachers, and by payments and prizes on successful results, and grants for apparatus, &c.

'III. Any school or science class, either existing or about to be established, and duly approved by the Science and Art Department, may apply through its managers for a certificated teacher, or for the certification of any teacher, in any one or more of the above-named branches of science.

'IV. Examinations for certificates of three grades of competency to teach any of the above-named sciences will be held annually by the Department in the last week of November, in the metropolis, as follows:—

'Nos. 1, 2, and 5, at South Kensington.

'No. 3, at the Royal College of Chemistry, Oxford-street.

'No. 4, at the School of Mines, Jermyn-street.

'Annual grants, in augmentation of salaries of teachers so certified to teach in any of the above-mentioned sciences, will be given as follows:—

'For the 1st grade of competency, 20*l.*
" 2nd " " 15*l.*
" 3rd " " 10*l.*

'Any teacher holding a certificate of competency to give primary instruction will receive from the Science and Art Department a sum equal to the augmentation grant which has been attached to such certificate, in addition to the grants above mentioned.

'VI. Such grants will only be made while the teacher is giving instruction in a School or Science Class for the Industrial Classes approved by the Department.

'VII. The Department will require that suitable premises shall be found and maintained at the cost of the locality where the school or class is held; that the names of ten students shall be entered whose fees for half a year shall have been paid in advance; and that the local managers shall guarantee, for the support of the schools and teachers, from fees or local funds, a sum at least equal to the grants so long as they shall be paid. If, at any time, neither fees of pupils nor local funds cover the requisite amount, it must be inferred that there is no demand for instruction in the above-named sciences in that locality which the Government is justified in aiding, and the assistance of the Department will be withdrawn.

'VIII. Every school or class having a certified teacher will be inspected and examined once a year by the Department, and Queen's prizes of an honorary kind will be awarded to successful students.

'IX. Payments will be made to the teacher on each first-class Queen's prize obtained by the student, 3*l.*; on each second class, 2*l.*; and on each third class, 1*l.*

'X. A grant towards the purchase of apparatus, fittings, diagrams, &c., of 50 per cent. on the cost of them, will continue to be afforded to schools and classes in mechanics' and similar institutions.

'HENRY COLE, *Secretary.*'

The Religion of 'Secular' Schools, and their Claim to Government Aid. By B. TEMPLAR, *Head Master of the Manchester Model Secular School.*

THERE is in England and Scotland a class of schools called 'secular' schools, not because they are anti-religious, or even non-religious, but simply because the Bible is not used in them. For this one reason, every secular school that has applied for Government aid has had it refused, the distributors of the Parliamentary grant for education saying they 'have always required that religious as well as secular instruction shall be given in all schools receiving aid from that fund,' and that for such religious instruction the use of the Bible is necessary.

The reply to this is, that whatever meaning the Committee of Council on Education may, in their minds, attach to the term 'religious instruction,' they, by their practice, show that they mean nothing more than such religious instruction as is already given in secular schools.

Now, if this reply be valid, if in secular schools as much of religious instruction be given as the State in any way declares to be necessary, they have, on this ground, as strong a claim upon the educational grant as have any schools. I hope to prove their claim by the answer I shall give to the question—What is the religion of 'secular' schools?

It is, in addition to sound moral instruction, the production of an intelligent, profound, and abiding veneration and love for God, and consequently of such a reverent, devotional frame of mind as is a constant source of the purest and most elevating joy.

But how is this done where there is no Bible? The secular teacher does it by directing his pupils' attention to the evidences of God's infinite power, wisdom, and goodness which appear in teaching, among others, the sciences of physics, physiology, social economy, and morals.

While teaching physics, he calls attention to the many exceedingly useful properties of natural objects and agents, to the permanence of these properties, to the invariable certainty with which they act, and to the fact that the tendency of their properties and operations is beneficent. For example: he shows what are the remarkable properties of heat and gravitation, and some of the numberless important uses to which they are applied in art, science, and domestic life; and his pupils at once see that not only much of our daily comfort, but our very existence, depends upon the uniform, unvarying exercise of these properties with which God in His wisdom and goodness has invested them. A clear perception of this fact never fails powerfully to excite their grateful admiration and wondering awe.

Physiology is made to furnish even more striking proofs of creative wisdom and goodness than these. The teacher shows that every organ has some useful function to perform, and that it is fitted in the best possible manner for the performance of that function; and that the organs and functions are adapted to others, and to the external world, with surpassing wisdom and benevolence. His pupils see this in the adaptation of the eye to the reception and exclusion of light; of the forms of the muscles to their situations, and of their strength to the force of gravity; of the skeleton to the supply of firmness, support, easy motion, and ample protection. They see, too, how wonderfully and how mercifully the body is provided with the means not only of keeping its parts in a healthy condition, but of giving warning of and repairing injury as well. They see, and gratefully acknowledge, the beneficent uses of bodily pleasure and pain—sensations that deter them from doing what is hurtful, and encourage them in doing what is beneficial, to their health. Surpassingly great do they feel that benevolence to be, which has not only provided us with special sensations, but which has so made one of them—that of taste—that it shall accommodate itself to the state of the organs for whose protection it is in part provided, by becoming more fastidious as they become more delicate. Experience shows that the consideration of these and similar things excites in children, as in us, emotions of the deepest veneration, gratitude, and love towards God, the All-wise and All-merciful Author of them.

Secular school teachers are peculiar for the extent to which they teach social economy, and in doing so they find they have a peculiarly powerful means of religious instruction. Mark how this is. The teacher invites his pupils to a careful consideration of the numerous ways in which men labour in the production and distribution of wealth, and from studying them he learns these important and impressive facts. Every man, while labouring to advance his own interests, is at the same time, though quite unintentionally, and often unconsciously, advancing the interests of others, contributing to the public good; that men, so far from permanently benefiting themselves at the

expense of others, can do so only by doing good to others, no matter what may be the nature of their occupation, for God has so interwoven men's interests, that not only is it true that no man liveth or can live to himself alone, but also that no man's loss can be a real, permanent gain to his fellow-man. They learn that there can be no clashing of real interests; that the interests of all classes, even the most opposite, such as masters and men, and producers and consumers, are concurrent instead of antagonistic, else civilization, with all its attendant advantages, would be impossible. They learn, too, that national as well as individual prosperity can exist only where there is peace and mutual benefit. My own experience, like that of other teachers, shows that the frequent, careful consideration of the phenomena of social life, such as those I have just named, produces deep thoughtfulness, and proves not only the reality of God's government of the affairs of men, where least recognised, but the infinite wisdom and beneficence of that government also. As none can recognise this without having their veneration for and love and gratitude towards God strongly excited, the teacher in revealing it to his pupils is influencing them religiously.

Lastly, the moral instruction of secular schools is made a means of religious culture. The pupils are taught that every rational being has certain moral duties to perform, and therefore they have theirs. These duties, they are shown, are to love and obey their parents, to be honest, truthful, kind, and obliging to all, to restrain every inordinate desire, and to train themselves in habits of cleanliness, diligence, punctuality, self-reliance, perseverance, and self-respect. In dwelling upon the reasons for these obligations, and the modes and consequences of discharging or neglecting them, the children have their religious emotions strongly excited by the discovery of the gratifying fact that God has made the full and faithful performance of these duties a source of profit and pleasure to their performer, instead of a mere arbitrary task.

This is easily proved by reference to their own short experience, which has already taught them how great a pleasure is in store for those who successfully resist temptations to lie, steal, or commit any other immoral act; that the pleasures of self-restraint often outweigh those of self-indulgence; that few acts of self-gratification result in such intense satisfaction as is consequent upon resolute self-denial—the consciousness of having performed a difficult duty; and that a generous deed is never performed, nor a kind, sympathizing word spoken, that is not followed by a feeling of pure, joyous satisfaction, which far more than compensates for any self-sacrifice made to perform it; and that thus 'the quality of mercy' is indeed 'twice blessed.' Thus, by showing that God has mercifully made our duties to be pleasures, the scholars have their gratitude and love to Him greatly increased, and they become more devotional, more religious, in consequence of the discovery.

This, then, is the religious training of secular schools: it leads the pupils to regard all natural objects and operations as God's agents in working out His all-wise and all-merciful plans; it teaches them to

see His wonderful handiwork, not only in the structure, but also in the functions assigned to each individual and class of organized beings; it shows what is not generally so obvious, that our mental and moral natures bear as decisive marks of infinite wisdom and goodness as do our physical constitutions; and it shows, as I have before stated, not only the reality of God's government of all things—physical, organic, mental, moral, and political—but the boundless wisdom and goodness of that government also. In a word, it proves that 'an ever-present Deity' is not a mere figure of speech, a poetic fancy, but a grand, gladdening reality, and leads those so taught to recognise in Him an All-wise, All-merciful Father and Friend. It imbues them with that profound, grateful devotion which is the foundation of all true religion, and which will ever be to them an inexhaustible and indeprivable source of the most elevating joy, because it is the result of careful, intelligent inquiry, and of consequent deep-rooted conviction.

Now, I submit not only that this is religious instruction, but that it is religious instruction of a high order. I could go further, and say it is of a far better kind than is often given in schools receiving Government aid, and decidedly better than can be guaranteed by the present regulations of the Committee of Council on Education. It is also as much of religion as the Committee practically insist upon, for it is all that is common to the widely differing sects whose schools share in the education grant. Strip Judaism of all that is peculiar to it, and nothing of religion is left but what is taught in secular schools. Now, if Government considers the religion of Jewish schools sufficient to establish their claim to public aid, and satisfies that claim, as it does, why should it not admit the equal claim of secular schools?

Perhaps some will advance as a reason that the religious instruction in Jewish schools is given by means of the Bible, which is not the case in secular schools. But for that reason to hold good, it must be shown that such instruction is less effective in secular than in Jewish schools. This cannot be done; therefore efficiency does not require the use of the Bible. Nor does expediency; indeed that deprecates its use. At present, secular schools are the only schools, besides the Catholic schools, to which Catholic parents can send their children without having their religious convictions outraged; and to introduce the Bible into them, would be to drive all the Catholic children into their own sectarian day schools, the secular instruction of which is generally very inferior to that of secular schools.

I have thus shown what is 'the religion of secular schools.' If I have also shown—as I think I have—that it is as much as the State feels itself able to insist upon, I have proved their claim to Government aid. The Committee of Council on Education have repeatedly rejected this claim, and by so doing have presented the anomalous phenomenon of a Christian legislature refusing to aid schools in which a course of religious instruction is given which forms an important part of Christianity,* and aiding to the full extent of their

* The love and fear of God.

power, schools in which Christianity, when not altogether ignored, is taught to be a great delusion, and consequently Christ himself a self-deluded person, if not an impostor. It is with the belief that the inconsistency and injustice of the regulations which favour Jewish, and discourage secular, schools, require only to be generally known to insure their general reprobation and speedy repeal, that I present this paper to your notice.

METHOD IN TEACHING.

The Professional Training of Teachers. By J. G. FITCH, M.A., *Principal of the Normal College of the British and Foreign School Society, London.*

AT the last annual meeting of the Association a resolution was passed, to the effect that the whole subject of method in teaching deserved the special consideration of this section. An inquiry into the general subject, and more particularly into the means which exist in this country for acquiring a systematic knowledge of teaching methods, will not therefore be wholly inappropriate.

Like other arts, education is fundamentally a science. Every rule of practice employed in teaching is closely related to some principle which underlies it, and gives it its validity. Let there be, for example, certain modes of presenting truth to a child's mind which are right and efficient, there must also exist some reasons justifying the use of those modes, and showing why they are preferable. As a *theory*, education involves an inquiry into some of the elementary laws of thought, an investigation of the nature of the subject in which instruction has to be given, and a right estimate of the value of the contrivances by which knowledge may be conveyed from one mind into another. As an *art*, the business of education is to turn the results of such inquiries to profitable account in the every-day work of a school.

I shall assume that some knowledge of education as a science, and of teaching as an art is of the greatest importance, even if it be not absolutely indispensable, to all who adopt the profession of schoolmaster or mistress. It seems a trite thing to say that the possession of knowledge does not carry with it the power of communicating; and that a man may be accomplished, fluent, well-informed, and sincerely interested in his work, and yet be a most inefficient teacher. Nevertheless, this simple truth is not adequately recognised among us. Its evidences meet us in every direction. We all know instances of men who understand a subject thoroughly, and who are yet utterly incapable of teaching it. We have all seen that waste of power and loss of time continually result from the tentative, haphazard and unskilful devices to which teachers often resort. Yet we seem slow to admit the obvious inference from such experience. The art of

teaching, like all other arts, needs to be systematically acquired. The profession of a schoolmaster is one for which no man is duly qualified who has not studied it thoroughly, both in its principles and in their practical application.

The profession of teaching in this country is annually attracting a large and increasing number of persons into its ranks. Men of the highest culture, clergymen, graduates of our universities, and others are in one department or another choosing education as the business of their lives. The accomplishments expected in such men, the responsibilities imposed upon them, and the pecuniary rewards accessible to them, are such as to give to the office of teacher a higher social estimation every year. It might therefore be reasonably expected that teaching would be recognised as a distinct profession, and that special facilities for meeting its requirements would exist among us. The possession of general knowledge and cultivation is not considered in itself sufficient to equip a lawyer, a physician, or a clergyman for the business of his life. Over and above the usual branches of a liberal education, each is expected to possess knowledge of an exceptional character—the knowledge of the specialties of his profession. Law, medicine, and divinity are, in short, *faculties*, distinctly recognised by society as involving specific training, expressly adapted to meet certain practical ends.

The ends sought in education are not less definite and practical; the preparation needed in order to attain them is not less specific than in any of the three professions I have named. Yet if a man in this country determines to devote his life to the profession of teaching, where is he to look for this specific preparation? How is he to acquire a knowledge of the best methods of conveying instruction? What guidance, whether speculative or practical, is accessible to him; such as may serve to warn him of the mistakes of his predecessors, and relieve him from the necessity of wasting his life in making experiments?

Again, when the trustees of a grammar school or the parents of a boy desire to engage the services of a teacher, they are surely concerned to know not only something about the academical standing and moral character of the candidate, but also how far he is acquainted with the best methods of teaching, and able to practise them. They have a right to ask for evidence of his teaching ability, *per se;* of his judgment as a disciplinarian; of his skill in economizing and methodizing a learner's time; of his practical familiarity with the best books, and the right way of using them; of his power to communicate thoroughly, to sympathize with a learner's difficulties, to illustrate, to explain, to test his lessons. How is such evidence to be obtained? Who is able to furnish it? And how can it be verified?

Such questions occur constantly, and are felt to be of great importance. And their significance is not limited to any one department of teaching in this country, but extends over the whole area of our educational work. They apply equally to the case of Harrow or Rugby and to that of the humblest infant school. Yet it is remark-

able that it is only in one section of the great field of education that the need for specific professional training is recognised. The teachers of national, parochial, British, and other primary schools cannot obtain certificates of merit, or receive either grants or inspection from the Committee of Privy Council unless they can give evidence of special qualifications as teachers, nor unless they can pass an examination both in the theory and practice of school management.

I believe that we shall best be enabled to comprehend our great national requirements in this respect, when we shall have inquired into the nature of the existing provision for meeting those requirements in the exceptional cases to which I have alluded. Such a thing as professional education for the teacher's office *does* exist to a certain limited extent among us. It is worth while to ask what is the nature of that education. We shall then be in a position to meet the further question—Should such training be more extensively promoted?

There are in Great Britain thirty-seven training colleges for the education of schoolmasters or mistresses. All of these (with one exception*) are under the inspection of the Education Committee of the Privy Council, and in all of them students are prepared to pass the examinations of her Majesty's Inspectors, and subsequently to take charge of elementary schools. The young people who enter them have generally passed a five years' apprenticeship under certificated masters or mistresses; have been bound, during that time, to assist the principal teacher in the discharge of the school duties; have undergone a series of progressive examinations in the several subjects of ordinary education, and have, at length, secured admission to the training colleges as holders of Queen's Scholarships, which are granted to those who pass a successful examination at the end of the fifth year, and which entitle the holder to board, residence, and education in the college, free of expense, for a period of not less than one or more than three years.

Of course a certain curriculum of study is laid down by the Council and by the authorities of each college, and this necessarily includes much of a general character; in fact, the usual branches of a good education, supplemented by one or two of the higher and more especially disciplinal studies. To this part of the work I need not allude. The point of immediate interest is—How are the candidates specifically trained for their duties as teachers? If, in answering this question, I seem to refer especially to that college with which I am officially connected, it is because I am necessarily more familiar with its operation, and because, as one of the largest and the oldest, it is probably, in this respect at least, a fair type of the rest. But it is right to say that, in principle, a similar course is pursued at all kindred institutions, although, of course, there may be diversities of practice in detail.

The provision made in the Normal College for special professional

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* That of Homerton Training College, under the superintendence of the Congregational Board of Education.

training may be best described under two or three distinct heads:—

I. *A Systematic Course of Instruction in the Theory and Practice of Education.*—This course comprises an analysis of each of the subjects of elementary instruction, and of the best modes of teaching them; lectures on organization, discipline, the arrangement of time, the right modes of questioning and of illustration, plans of testing work, of economizing material, of utilizing the services of pupil-teachers and assistants, and a general investigation of the details of school management. In the second year, some elementary lessons on psychology in its application to education are given, including the philosophy of sensation, judgment, memory, attention, &c., and the most efficient discipline for each faculty. Attention is also directed, in succession, to the lives of the most eminent teachers, from Socrates down to Lancaster and Arnold, and the main characteristics which distinguished the method of each. Thus the student who leaves the college at the end of the first year is provided with a body of practical rules and maxims for his guidance as a teacher; while an attempt is made in the case of second-year students to give, as far as possible, an insight into the philosophy of education, and an acquaintance with its history.

II. *Employment in the Practising School.*—Schools attended by nearly a thousand children are attached to the Normal College in the Borough-road, and similar schools are connected with each of the training colleges. In these schools the young people are required to attend in turn for a fixed period, in order to become practically familiar with school-work. Here they are set to teach, to maintain discipline, and to conduct the movements of the school under supervision. A report is made as to the teaching power and the tactical skill of each candidate; and opportunity is thus afforded for forming an estimate of the moral as well as the mental qualifications of the students, and for observing to what extent they are able to carry into practice the suggestions given in the lectures on Method.

III. *Criticism Lessons.*—Each student, in turn, is required to give one or more collective lessons to a class of children, in the presence of his fellow-students and of the principal of the college. When the lesson is over and the children are withdrawn, the lesson is subjected to the criticism, first, of the students, and afterwards of the principal, who points out the several merits and defects of the lesson, and makes it the subject of a sort of clinical lecture, in which hints as to right and wrong methods of teaching are founded on the particular case then under observation. In the criticism of the lesson the students are not permitted to give general and vague impressions, but are required to comment in detail upon its principal features, under the several heads of 'language,' the 'choice of matter,' 'method,' 'arrangement,' 'manner,' 'illustration,' the 'discipline of the class,' and the general results of the lesson, as exhibited in the replies to the recapitulatory questions at the end. By this exercise it is especially intended to cultivate skill in questioning, a due simplicity, force, and economy

in the use of language, and a clear and logical arrangement of matter. These are practical points, which no mere lecturing or didactic teaching could by itself secure.

IV. In connexion with all the studies of the candidates, care is taken by the lecturers and teachers to illustrate, as far as possible, those modes of instruction and explanation which are best adapted for the work of elementary schools. Thus school-books are largely used in the studies of the candidates. The information contained in them is, of course, supplemented by reference to works of a more ambitious character; but since the main object is to enable the student to use school-books skilfully, such books are never superseded by works which are more especially intended for advanced scholars. Additional information and higher culture is made, in some degree, to connect itself with the daily work of an elementary school as its basis. The methods of instruction throughout the college are made, as nearly as practicable, typical of the methods which experience has shown to be the most successful with children. It is felt that no mistake could be more fatal than to aim at scholarship merely, and to overlook the fact that whatever is taught in the institution is to be learnt for the sole purpose of making good teachers.

V. Recent regulations of the Committee of Council are intended to encourage the employment of these young persons, after the conclusion of their college course, as assistant-masters or mistresses, for a probationary period either of one or two years. The demand for well-trained teachers, to take the sole or principal charge of schools, is at present so great, that this arrangement has not yet been very extensively adopted. But it nevertheless deserves to be mentioned as an integral part of the system, and one which will probably affect the career of a large proportion of the candidates before long.

It will be seen that provision is thus made for systematically training the teachers of our elementary schools; and that the period of training includes a five years' apprenticeship, one or two years' residence at a training college, and possibly two years of probation as assistant. At the end of that time, supposing that the candidate has successfully passed the examination at the end of each year, he is entitled to a certificate of merit, and is qualified to take charge of an inspected school, and to receive an augmentation to his salary from the national treasury. I may add, that the total number of certificated teachers now employed in schools under inspection is above 6000, that nearly 3000 students are now in training at the 36 normal colleges under inspection, and that although there is thus an annual supply of more than 1500 trained teachers, it has been computed that the requirements of the elementary schools of England, Scotland, and Wales will not thus be met for sixteen years, even if no allowance be made for losses.

Now I do not say that this system is perfect. It is not many years old, and is at present in an experimental stage. But I wish to call attention to the fact that this training is wholly confined to the teachers of primary schools for the poor. Nothing analogous to it

is accessible to the teacher of the private or adventure school, to the candidates for endowed and grammar schools, to the lady who wishes to engage in tuition, to the private tutor, or to any one who desires to make the profession of teaching the business of his life. There is no university or college in the kingdom, not even the 'College of Preceptors,' which has a professorship of pædagogy. Beyond the limited range I have indicated, I do not know of a model school, or of a teacher of method, or of any apparatus whatever by which instruction is obtainable in the subject of education, considered either as a science or as an art.

Yet surely the need is urgent. Under our present system labour is wasted. Hard, unintelligent routine usurps the place of rational method. Lessons are set, but not explained. Children are told to learn, but are not taught. The memory is burdened, while the understanding is left uncultivated. Even the best and most conscientious teachers are left to feel their way, as they best can, to a knowledge of their profession, and perhaps to waste half their lives in experiments, before they can discover, as empirical rules, what they might have learnt as scientific deductions.

It is not so in France. There the certificates of competency, without which no one is allowed to exercise the profession of a teacher, are rarely granted except to those who have undergone a course of instruction in one of the 'Écoles Normales,' and have thus received a complete and systematic training in the art of acquiring and communicating knowledge. In Germany, also, all the teachers of middle schools are required to go through a triennial university course, and not only to pass a strict examination as to general attainments, but also to give some evidence of pædagogic skill. They are then required to pass one year as teachers on probation at some school under the supervision of the head master, and without salary, before they are permitted to act as masters.

I invite the consideration of the section to the great national want which exists in this respect, and to the means of supplying it. But I must frankly confess that it is far easier to recognise the evil than to suggest the remedy. I am by no means sure that if in Oxford or Cambridge, or in King's or University College in London, a professorship of education were instituted, that the number of students would suffice to justify the step. I do not see any present possibility of a plan by which teachers, designed for middle class or private schools, could be allowed to share in the advantages of the existing normal colleges. Still less clearly do I see my way to any legislative enactment, analogous to those which exist in the case of law and medicine, prohibiting the untrained practitioner, the empiric, the quack, or the adventurer from setting up in the teacher's profession. But I am sure that the business of education does require specific professional training on the part of those who engage in it. I know that great acquirements and high intellectual power are, in the business of education, often of little worth; because their possessors are destitute of tact, skill, and knowledge of method. Moreover, it is certain that the data on which the principles of education rest are sufficiently numerous, and the investigation of those

principles has sufficiently advanced, to justify us in claiming for education the name of a science, and in demanding that it should receive scientific treatment. If in all other departments of social science the deductions of experience have been combined and systematized so as to economize future labour, and to secure progressive improvement, it is surely of no less importance that the great and solemn business of teaching and training our youth should receive all the aid which scientific method can give, and should be elevated to the rank of a liberal profession in the only efficient way, namely—by securing for those engaged in it a training specially adapted to the needs of their work.

On the Training of Pupil-Teachers. By the Rev. GEORGE D. BOYLE, M.A., *Hagley, Stourbridge.*

'THE pupil-teacher system,' writes Dr. Temple, in his admirable Essay on National Education, 'has probably done more for education than any other measure adopted by the Committee of Council. It has marvellously improved the schools, and has supplied a constant stream of practical teachers, only needing the more methodical instructions of the training schools and the steadiness of matured experience to be all that could be desired.' Few persons who are practically acquainted with the state of things which prevails in most of the schools enjoying the aid of pupil-teachers will be disposed to impugn the justice of these remarks. Throughout the length and breadth of this country the effects of judicious training may be witnessed, in the fact that wherever a new school is inaugurated, even in the most unpromising districts, the schoolmaster speedily becomes a most important agent in all that elevates and advances a community. It requires some practical experience of the present system to estimate fairly the benefits conferred upon society by the rapid increase of earnest and able schoolmasters. Whatever may be said as to the general working of the present system pursued by the Committee of Council, upon this point there can be no mistake. That those who are, generally speaking, very young men, should often be found ready to encounter difficulty of all kinds in the pursuit of their calling, and on occasion to make noble sacrifices for the sake of principle, surely indicates an amount of zeal and stability of purpose on the part of their instructors, as is rarely to be met with in ordinary affairs. Inspectors fully bear out the assertion that the body of trained masters in this country constitute a class for whose well-being the friends of education are bound to feel deeply anxious.

But the question has arisen—What improvement can then be effected in the general method of training pursued? How is it possible at once to advance the condition of the pupil-teacher, and to benefit the master to whose care he is committed? Is it, again, probable that any diminution can be made in the number of those who, on the expira-

tion of their apprenticeship, desert their destined vocation for other employments?

In the suggestions which I now venture to offer to the Educational Department of the Association, I trust that some answer may be given to some of these and similar queries.

It must often, I think, be matter of regret to the friends of education that the time and energies of highly-trained and well-cultivated men are too often given to what may be called the teaching of infants. A young man leaves the training-school, where he has begun during the latter part of his career to find fresh fields of enterprise opening upon his view, and the descent to the very ordinary drudgery of a common national school is often most abrupt. His acquirement seems to go for nothing, much that he had hoped to reproduce seems valueless and unimportant, and though it is true that he has actual instruction to communicate to his pupil-teachers, he is too often separated from them, as I shall shortly show, by circumstances which forbid his intimate personal connexion with them. The night school, except under special circumstances, is closed to him, and there is too often an evidence that energy and purpose are beginning to yield, and he is tempted to forget the master in the drudge. This is an aspect of the practical evil which my own observation and, I may add, that of many others, has detected in the workings of our present system. Take now the case of the pupil-teacher, from whom, with all deference to inspectors, a great deal too much is often expected. Whatever aspect his home may present, it is evident that the internal arrangements must often hamper his work and retard his progress. Towards the close of his apprenticeship he is often harassed with accumulation of subjects required by an examination, on the result of which his future depends. You may often see the ardent, eager boy giving sad physical indication of the exacting demands made upon him at such a time. He has work, be it remembered, in school which must be attended to as the inspector's visit draws near. His supply of food, at a time when the body requires a generous diet, may be scanty in quantity, and poor in quality; above all, he feels the want of method, the impossibility of devoting all his spare energies to his work, and my wonder in such cases has often been, that the prize is so frequently secured by those who have so many drawbacks and hindrances to contend against.

Whatever care may be taken in the selection of pupil-teachers, there must always be a number of home influences to contend against, a variety of obstacles in the path of every diligent lad. When the successful hour has come, he leaves the school and repairs to the training-college, and I believe I am justified in asserting that a considerable time often elapses before the trained student, male or female, is fitted to receive those impressions which it is so desirable to produce. Want of method, and absence of fixed routine soon tell their own tale. Great as is the benefit secured by the judicious care of principals and their assistants, I believe that some slight alterations in the method of training pupil-teachers would increase that benefit tenfold.

The remedy I suggest is a plain one. In every case where it may be practicable let the pupil-teachers—I speak now only of males—be the boarders of the schoolmaster. I feel convinced that important benefits, direct and indirect, would result from such an arrangement. Before, however, proceeding to enumerate them, I will venture to remove, or attempt to remove, certain objections which will doubtless be urged.

The first of these will probably take the shape of a remonstrance against a plan involving expense and outlay.

To these objectors I would first remark, that the general declaration that the country has already exhausted all that may be hoped from voluntary aid, is hardly sustained by fact. In many districts there may be found persons, who, deaf to all other claims, exhibit a readiness to assist in the work of education. In most cases, however, the expense of adding two rooms to the master's house might easily be provided, and it is often desirable, when the master's house adjoins the school, that one room, which might be used generally as the study of his boarders, should be at times available for the work of a special class. When a grant in aid of new buildings is made by the Committee of Council, it is possible that some attention might be given to the representations of a local committee, or manager, upon the subject. So much for the outlay required in buildings. It is necessary to notice the fact that the stipend of a pupil teacher in his earlier years would be inadequate to defray the expense of his board and clothing, as some part of the cost of this would fall on the boy or the master. To an objection founded upon this ground, it may be answered, that a judicious management of the capitation grant, supposing that to be permanent, might easily place at the disposal of a body of managers a sum adequate to such demands. I do not speak of the aid which in this country is often so freely extended to struggling merit, and which some neighbourhoods enjoy only too profusely. I believe, further, that the parents would often be found willing to aid such a plan as this in indirect ways; and, although I am far from wishing to see an undue reliance placed upon the fitful stream of private benevolence, I am confident that the manifestation of a desire to benefit deserving lads in this way would often elicit help from unexpected quarters. It is most important, however, that such a scheme should be self-supporting, and care and assiduity might easily render it effective.

I have no doubt that some will object that, in this case, home ties would be severed and broken. But no one objects to domestic service, which often at a tender age separates child and parent, on this score, and, in the children of the higher classes, it is thought that a temporary absence often has the effect of heightening and elevating the domestic affections.

A more important objection may be raised by the schoolmaster himself, who may fairly enough represent his present responsibilities as sufficient, and regret the inroads made upon his domestic privacy. I would have every regard paid to these scruples, but I believe that

most married men (and none but married men could undertake such a charge) would easily arrange matters in such a way as to secure for themselves uninterrupted hours of leisure and retirement. The schoolmaster is, generally speaking, the friend of his pupil-teachers, planning their improvement, and delighting in their advancement; and I am fully persuaded that many who deplore the separation of interests and the hindrances of the pupil-teacher's hours, would gladly sacrifice somewhat of comfort and ease to secure a desirable alteration in their circumstances. Having thus attempted to remove sundry possible objections, I venture to enumerate some of the positive benefits which might be expected to accrue from this scheme.

1. As it is only by the gradual formation of high character that we can hope permanently to advance the truest interests of the educating body, I am of opinion that every possible means of removing obstacles from the path of those who are labouring in this direction should at least be tried. I have often heard schoolmasters declare that if they only possessed the full confidence of their pupil-teachers much might be done in facilitating their common task. The mere fact of daily contact in a home would tend to remove existing barriers to confidence, and promote kindly interest in a variety of matters indirectly connected with the practical work of education. It was a true instinct which made an eminent Oxford scholar dedicate a work to those from whom the author learnt much, while he seemed to be teaching. The unconscious aspirations after excellence, which, perhaps, only become evident in moments of careless ease, may often lead a schoolmaster to a truer appreciation of the difficulties which every intelligent boy meets in the course of his career than any formal dogmas of theorists. He would have opportunities of correcting asperities and influencing habits—of imparting the 'word in season,' so incomparably precious to giver and receiver—of arresting prejudice, and imparting knowledge—of gaining much that might assist his own progress and aid him in his future intercourse with others.

2. It is almost needless to insist on the immense boon conferred upon a growing boy by the regular supply of such good and wholesome food as he can seldom, perhaps, obtain under the paternal roof. It is often painful to see the effects produced by the want of this in the case of many pupil-teachers. In a large family, even where there is anxiety to bestow care upon the boy, who must be early at school and often late at his work, it must be often impossible to secure the regularity and quality demanded by a frame never stinting its claims.

3. That a great difference would be perceived by the principal of a training-college between a boarder and non-boarder pupil-teacher, I venture to assume as a matter of certainty. I believe that the boy who had been living under the roof of an earnest and indefatigable man would carry his superiority even into such matters as the composition of an answer to a question, or the manner and habit maintained in the lecture-room or chapel.

Imagine the growth in taste producible by a winter evening spent over a play of Shakspeare, or a well-selected morsel of De Foe or

Addison, in the case of a boy whose hour of leisure in his home would have been given to the *Family Herald* or the *London Journal.* The possibilities of improvement within the power of a schoolmaster who has three pupil-teachers inmates of his family are almost endless. Too often the lad, as he leaves school for the training-college, is conceited and arrogant. The friends of education have often to listen to the complaints of those who mourn over past times, and think a little learning to be dangerous indeed. The pleasing evidence of modest demeanour and anxious resolution to improve would, I firmly believe, become more common, when to the instruction imparted in school had been added the benefit of a pure example of life, and the friendly intercourse of a home. It is a common complaint that the trained master is frequently found grasping after emolument, and too ready to avail himself of every unguarded movement on the part of managers or others. It would be hard, perhaps, to expect that so numerous a body of men should be exempt from the vice which threatens to infect the springs of our national life. But it is fair to add—and I am now relying on the testimony of several inspectors—that noble sacrifices are often made by those who have been, perhaps, peculiarly fortunate in their training, and subjected to influences of the highest character. One would fain see such generous examples more common, and the spirit which one inspector so forcibly notes among Wesleyan teachers, animating and sustaining many thousands of our national educators. I believe firmly that what has been called 'the wholesome contagion of a right life and conversation,' may effect much of that ennobling work which after our several fashions all are aiming to promote; and I shall be fully satisfied if this humble effort be the means of directing the attention of others more competent to decide towards a matter of the greatest interest.

Report on Popular Education in Liverpool, presented, on behalf of the Local Social Science Committee, to the General Association in Bradford, and to the Education Committee now sitting in Westminster. By the Rev. J. S. Howson, M.A., *Principal of the Collegiate Institution, Liverpool.*

THE Local Committee appointed by the Association at Liverpool having decided that I am to present a Special Report on Education, I may first describe the modes in which inquiries into this subject have been prosecuted.

In some voluntary communications with members of the Education Commission appointed at the instance of Sir John Pakington, I could not fail to notice that the local inquiries into the state of education in Liverpool, which might be useful to the Commission, were absolutely the same in kind as those which were desired by the Associa-

tion, and especially that the observance of the same principles of strict impartiality was requisite in both cases. A little correspondence led to consent, on the part of the Commission, to accept the Educational Report of the Local Committee. Thus this paper is presented at once to the Association and the Commission.

This agreement being made, nearly 200 copies of the papers prepared by the Commission were circulated (in the month of April and afterwards) along with the Address of the Local Social Science Committee, and a special Circular on education, drawn up with the view of encouraging and inviting replies. The persons to whom these papers were sent were selected from their known or conjectured interest in the subject.

In answer to these papers, communications of great value were received from some clergymen of the Church of England, and from various masters and mistresses. Some of the Roman Catholics, a large and energetic body in Liverpool, and some of the Unitarians, a small body taking great interest in education, wrote very fully. Nothing has been received from other Nonconformists. This is much to be regretted, because among them are included most of those who decline State assistance and deprecate State control, and because, while a great deal is known of inspected schools through the Government blue books, we are much in the dark concerning uninspected schools.

Five local meetings also were held, in which full opportunity was given for the discussion of the subjects contained in the papers, two general meetings of the local committee, and three of schoolmasters and schoolmistresses. I may add, that in these last cases the masters and mistresses had previously discussed the subjects in question at meetings of associations of their own.

Besides this, statistical inquiries were conducted, complete in themselves, though necessarily on a small scale. Certain specimen districts were taken from the good, indifferent, and bad parts of the town, in such a way as to show the effects both of contrast and contiguity. In each of these cases, trustworthy agents were employed to make, as nearly as possible, a house-to-house visitation, and to report. The districts themselves were determined on, partly by their own fitness and partly by the probability of obtaining intelligent and efficient help.

I proceed now to state the results of these various inquiries and discussions, following the order of the Circular, which was drawn up with a due regard to the papers issued by the Commission.

I. The Privy Council System. All with whom I have been in communication agree that this system has been highly beneficial in extending and improving education, raising its standard, creating and sustaining a race of efficient teachers, improving school buildings, securing better supplies of apparatus, encouraging and supplementing local exertions, and stimulating the nation at large to greater efforts on behalf of general education. There will be no doubt that good has been done to a vast extent, even if the system be hereafter changed.

On the other hand, the fact that good has been done is no reason why the system cannot be improved. In truth, the system itself has already gone through various and gradual modifications.

One broad fact comes clearly into view, that there is a tendency in the system to give help to those who need little help, and to pass by those who need it most. This may be illustrated, first with regard to local districts, next with regard to classes of society.

As regards districts, the point is strongly put in a letter, thus: 'While our old parochial system assumes that rich, poor, and middle classes co-exist, in the small parochial sections of our large towns this is not and cannot be the case. The consequence is, that education is not imparted, or is imparted partially and badly where it is most desirable; and the funds which should carry it on at any cost are expended where they are comparatively unrequired and wasted.' Another, who writes far less strongly on this point, says: 'There is great difficulty in securing grants of the amount needed by the poorest localities, but such difficulties gradually disappear when any person of energy or influence takes up education in such a neighbourhood: where no such lever is available, central government is helpless.' Other forcible testimonies to the same effect might be quoted. The matter may be briefly condensed thus:—All the facilities are found in one class of districts—large church and chapel collections, local proximity of the wealthy, manageable numbers of the poor:—all the difficulties in another class of districts—crowded population, poverty, degradation, and absolute removal from the presence, and therefore the sympathy, of the rich.

As to classes of society, it seems evident that the system is 'working upwards'—that it has a tendency to aid in educating children whose parents are really in the receipt of a very good income, while it leaves behind large numbers of those who are in the utmost poverty, and in great danger of falling into criminal habits. Notwithstanding some fear lest the self-respect of the lower middle classes, which is one source of the country's strength, should be impaired by this state of things, it is felt on the whole that these classes are benefited, so far as they are touched, by the educational arrangements of Government. Some wish the Privy Council system to be extended still further into the region of the middle classes; and this for two reasons: 1st. Because middle-class schools are very defective; 2nd. That promotion to such schools might be held out as an object of ambition to certificated masters. It is remarked by one who is not a schoolmaster himself, but has a large acquaintance with schoolmasters, that certificated masters are seldom satisfied with their position, as thinking that it holds out 'less chance of promotion than most other professions or trades.' Doubt, indeed, is expressed whether public money should be spent on middle-class schools. But it is suggested that such schools might have the benefit of supervision and inspection without pecuniary aid. Here we clearly come in contact with the new University examinations, and we see the value of a neutral place of discussion, like that presented by the Social Science Association.

To turn to the other extreme of the social scale, the opinion is strongly expressed by many that the Government system should embrace free schools in the poorest districts for the poorest children. It is felt that here is the critical point of the whole problem: in the class which borders on the utterly destitute part of the population, and the school which borders on the reformatory institution. The subject of compulsion, direct and indirect, will be mentioned below.

Two features of the existing Privy Council system demand a special consideration: 1st. The institution of pupil teachers; 2nd. The operation of the capitation grant. The first of these subjects is dealt with separately under our sixth head. I turn, therefore, now to the second, which was made a topic of very full discussion at more than one of our meetings.

Very marked differences of opinion are visible with regard to the capitation grant. A clergyman says: 'It has been a great good in our schools; without it we could not be efficient.' One body of schoolmasters state that 'it has enabled some managers of schools to procure a better supply of books and apparatus; some to increase the salaries of deserving, yet underpaid, teachers; some to establish and continue school libraries, and others to give rewards, in the form of money and books, to the children for regular attendance.' Another body of schoolmasters say that 'it has rendered timely and essential aid, especially in destitute districts, and that when the teachers and children have a share in its advantages, it has beneficially affected the attendance at the school.' In a meeting of masters, however, it was said by one, that 'he doubted whether the capitation grant had really improved attendance;' by another, that 'its only effect is to prevent voluntary subscriptions.' As to the action of prizes drawn from this source, some are of opinion that they have no effect on the inferior and irregular children, and that precisely those obtain them who would be regular in their attendance without them. One lady of great experience says that 'the grant is troublesome and annoying, and is simply useful in increasing the funds of the school.' Two schoolmistresses suggest that 'capitation money ought to be confined to the poorer districts;' but no rule is given for practically accomplishing this, and it seems difficult for any central authority to frame such a rule. The utility of this grant appears to depend very much on the mode of its application. A prevalent opinion is, that the best course is to apply it partly to increase the teacher's stipend, partly to improve the school apparatus, and partly to provide prizes for regular attendance. It is justly remarked, that regularity of attendance 'lightens the teacher's labour,' and improves the condition of the whole school.

As regards the standard of education in inspected schools, there is difference of opinion. Some say it is too high, others that it is not too high, and that in consequence of deficiency of teaching power it is hard of attainment. The former view is put in a pointed manner, as follows, by a clergyman:—

I. There is a practical standard in the minds of the people, beyond which the education of the masses cannot be carried. If Government raise the standard, people diminish the time of children's attendance, &c.

II. What is the practical amount of education that can be given to the people as a mass? This to be the standard of all the present National schools, which is now too high.

III. If the standard were lowered in National schools under inspection, a part of the Government aid might be withdrawn from them, and applied to the thousands of schools now shut out from aid because not up to the standard.

IV. The true principle is to bring all up to a low level of education, and not to take trouble about bringing out the talent of the country. Talent will bring out itself.

On the other hand, it is said by a gentleman of much experience, 'I do not believe the present standard too high. In practice, a school where the elder children read well, write on paper from dictation well, and work common sums well, is accepted as a good school. I do not think less can be supposed worthy of public approval and support.'

Various detached points in connexion with the Government system have been brought before us in the course of our inquiry. It is suggested in one quarter that advantages would result from a wider employment of organizing masters, and from the establishment of sub-inspectors. I find it noticed also that there is sometimes difficulty in obtaining information concerning the rules of the Privy Council. And there is one very marked case of the hardship resulting to a necessitous neighbourhood from the impossibility of satisfying the condition which requires a freehold site. These three topics seem to suggest that some local provision for eliciting and diffusing local information, and for providing (in some degree) local administration, may be highly desirable.

II. Schools untouched by the Privy Council. Concerning inspected schools we have full information, from one point of view, through the Government blue books. What the number and condition of other schools are it is impossible to learn accurately, except by means of a close visitation from house to house. I may say here a word concerning the relative position in public esteem of dames' and other private adventure schools on the one hand, and inspected schools on the other.

Contradictory opinions are expressed on this point, as might be expected. In fact, on this, as on many subjects, there are two extremes of opinion. The tendency of those connected with the Privy Council will be to underrate the small private schools. Still, there is no doubt they are generally much below the others in organization and efficiency. Parents will often be predisposed against the public schools, over which they can exert little influence; still, it is true that dames' schools and other small establishments for education are often unduly depreciated. The following reasons for the preference of such schools are gathered from the various communications, oral and written, which have come before our notice.

These schools are often more conveniently placed, especially for the

younger children—higher branches of education are taught, or supposed to be taught, in them; they are more select (for even very poor parents are often scrupulous about the admixture of their children with those of ruder character); some few look on national schools as charity schools, and prefer to maintain their own independence. A prejudice exists (as will be noticed below) against pupil-teachers and infant schools; and it is often believed that better attention is given to individual children, when the numbers in the school are comparatively small. Frequently the preference is determined by friendship for the master or mistress; and very frequently the preference of the child determines the consent of the parent. Nor can it be doubted that the teachers of private adventure schools are under a great temptation to humour parents and children, and to present their claims in the most specious form.

III. Local Supply of Schools. It is clear that in any returns of districts taken as samples there is one great imperfection. The children of the district do not necessarily attend the schools of the district; the schools receive children from other districts, and the children cross the boundary to attend school elsewhere.

On the whole, as I have examined the evidence which has been collected in the course of the inquiries, I have come more and more to the conclusion that there is a fair supply of schools, of some kind or other, within reasonable reach of almost every child in Liverpool.

Still, it is very evident that the town may be divided into two classes of districts: one where the supply of education is adequate or more than adequate, another where it is defective or precarious. It is true that children will sometimes go two, three, or even four miles to school (and this in the case of schools of various denominations); but such instances depend usually on attachment to particular teachers. It is of great importance, not only that there should be a sufficient supply of good schools, but that the good schools should be in the right places; and this is not always the case in Liverpool. The juxtaposition of good schools stimulates activity, and probably improves the quality of education, but it may foster many unworthy feelings and practices. Another kind of juxtaposition also may do harm, viz., when the establishment of a free school draws away from other schools the children of parents who are able to pay a fair amount for their education. It is difficult to consider these questions without feeling the want of some local agency for collecting local information, and considering local claims.

IV. School Payments. The topic of finance was fully discussed at our meetings in its various aspects, *e.g.*, as to the amount of payment to be required or expected from the parents, the best intervals of payment, the principle of the graduation of payments: again, as regards the school teachers, whether it is best that they should have fixed salaries, or incomes wholly or partly dependent on the school pence. The question, also, of a system of free schools supported by rates was considered. So much diversity of sentiment was evident on many of

these points, that it seems difficult to do more than to indicate the leading differences.

Some advocate uniform payments at a low rate, some would have payments graduated according to the subjects taught and the advance of the pupils, others would have them graduated according to the capacity of the parents to pay. It is felt to be a hardship that parents, because they are poor, or because their family is large, should not be able to secure the best education afforded by the school to which they send their children; and on all sides a strong desire is expressed that some provision should always be made for those cases when sudden sickness or undeserved distress falls on a family, and prevents the possibility of sending the children to school. It is agreed by all that parents, when not absolutely unable, should pay partially at least for the education of their children; and proofs are abundant, that amidst a vast amount of carelessness caused by vice and degradation, many of the poor are by no means indifferent to the benefits of education, or unwilling to pay for it, and that inability to provide even a small school fee, though in most cases it is the result of intemperate and reckless habits, does often proceed from honest poverty.

The subject of the school pence leads to the subject of teacher's salary; and here again opinions diverge—some urging that the salary should be fixed and absolutely independent of the pence, others contending that a variation of income, corresponding more or less to the amount of pence, will have a beneficial result on the diligence and perseverance of the teacher. Those who hold the former view argue that the teacher, by being relieved of all care about the school pence, is relieved from the temptation of trying to increase his school by unworthy methods; but, on the other hand, it is said that the collecting of school pence through any other agency than that of the teacher is attended with much practical difficulty. This would obviously be facilitated by the introduction of monthly or quarterly payments, which, as will be noticed below, are recommended on other grounds.

The questions of free schools, local rates, and compulsory attendance, remain. Not one person advocates the subversion of the present system for the purpose of substituting a system of free schools, supported by local rates, and controlled by officers elected by the ratepayers. Such a system is deprecated as likely to place the management of the schools in wrong hands, to compromise the religious influences now exerted on them, and yet to excite local religious quarrels. At the same time, as has been said, free schools (supported by rate or otherwise) in destitute districts are recommended, and by some persons compulsory attendance is advocated; but no very practical hints are given as to the drawing of the line between the poorer and the poorest, or as to the best mode of enforcing attendance. The notion of indirect compulsion, in a form corresponding to an extension of the Factory School Act, finds the most favour. It is naturally urged that educational work is marred by the element of compulsion,

and that 'legal enactments are always evaded when opposed to the national sentiment.'

V. Kind and Degree of Education. It is noticed that the time of leaving school has a tendency to become earlier, as the better teaching produces at an earlier age results of which parents can judge, such as reading and writing. On the other hand, it is argued that nearly all children are a sufficient time at some school or schools to learn what is requisite, if only they are well and steadily taught. It seems to be generally agreed that irregular attendance is a worse evil than early leaving. (See above, on capitation grant). It arises partly from the improvidence and carelessness of parents, and very considerably from the want of parental control. One of the best checks to the evil is the existence of a kindly feeling between the teacher and the scholar. From the same lawless independence of the children, from their vagrant habits, and the fancies and friendships among them, arises another evil very common in this town, and very mischievous—the frequent migration from school to school. Some children have almost made the round of half the schools in the neighbourhood. In some cases the mischief is enhanced by the holding out of rewards and presents, as bribes for attendance. It is generally agreed that the evil might be arrested by a general agreement among all schoolmasters or school managers not to receive any child without a satisfactory reason for leaving his last school. Such an agreement, however, would be of comparatively little value unless it were general. In some schools the introduction of monthly, and even quarterly, prepayments has been followed by excellent results; and one schoolmaster of long experience says, that for many years he has found regularity of attendance much increased by the exaction of an entrance fee of a shilling.

The wishes of the children themselves being so powerful in determining all these questions, it is evidently desirable that the schools should be made as attractive as possible; and this leads to the subject of industrial teaching in schools. This matter must be viewed separately for the boys and the girls.

As regards the boys, no one advocates the incorporating of industrial training with education as a means of learning trades. It is felt that this turning of the school into the workshop would lead to disappointment. In one marked case, experience has shown the failure resulting from the attempt to introduce skilled labour into a school, while in the same school continual improvement has followed the adoption of industrial work as a variety of employment, and for the purpose of teaching boys the general use of their hands. With these ends in view, for the sake of relieving tedium, for teaching habits of industry, and in order to let children see the results of their own work, the introduction of industrial occupation is recommended by high authorities. It is agreed that the boys will thus be made more fit to enter the busy world; and it is noticed that this argument is the more forcible at a time when emigration is frequent. It is suggested that workmen should be engaged to come for certain hours of the day to teach certain kinds of handicraft. Something of this kind

is done in one school in the way of tailoring. It is added by our informant that the trade is not acquired, but that the boys learn to sew on a button, to put on a patch, and to make bags and towels, and that the lessons are not injured by the relief of this change.

The industrial training of girls is very urgently demanded on all sides. But here again there is difference of opinion as to the practicability of accomplishing this at school. One mistress regards it as an 'utter impossibility to make girls acquainted with the practical part of domestic economy in national schools,' except indeed as regards 'needlework.' Another authority deprecates the 'imprudent and disastrous tendency in examinations for scholarships and certificates to mix together industrial skill and intellectual attainment,' and the attempt, 'now fashionable' in Training Colleges, to produce in the students 'a combination of schoolmistresses and washerwomen.' Still, on the other hand, there is a very loud and general demand for the training of girls in household work during the period of their attendance at school. The true reconciliation of this discrepancy seems to be this, that the household training might be given in an establishment separate from the school. In two schools in this neighbourhood a certain amount of cookery is practically taught in connexion with the school establishment, and not without good results; but it is found that the school teaching suffers from the combination. Oral lessons cannot teach household work, and the best schoolmistress is not necessarily the best superintendent of the operations of cooking, washing, and cleaning. I do not see why establishments for practically teaching these things should not be set up in such neighbourhoods as to be within reach of several schools, so that the elder girls from all might be drafted off in turns to receive practical household instruction under a superintendence limited to this one object. Two or three remarks in connexion with this topic seem to be important. One is this: that it is one thing to train girls for domestic service, another to train them for the experience of cottage life. What is done with the latter in view ought to be strictly on the cottage scale, and arranged on the most homely and economical principles. It is truly remarked, also, that the mother is the true teacher of household work; and it has been suggested that much might be gained in this way if the children were to leave school at half-past eleven instead of twelve, a change recommended on other grounds also.

There are in Liverpool, for the industrial training of females, three Roman Catholic institutions, aided by the Privy Council. The first, attended by 40, is a 'laundry designed to shelter unprotected young women at a dangerous period, to train them as skilful washerwomen, and to place them in respectable situations.' The second, attended by 166, is a lace school, with an elementary day school attached. The third, attended by 26, trains domestic servants. The second has been certified under the Industrial Schools' Act; and it is understood that a similar application is about to be made for the third.

Few things are more important than the watching over girls after they have left school, and gone to service. It is a duty of the higher

and better informed classes; but without some special organization, it is difficult of accomplishment, in consequence of the local separation of rich and poor. One of the merits of Sunday schools is seen in this point of view.

For continuing and supplementing the education of boys after they have left school, evening schools and Working Men's Associations have been established in various parts of Liverpool and its neighbourhood. The importance of such institutions is increasingly felt, but the experience which would be valuable in a report is only now beginning to accumulate; and I venture to suggest that this subject should be made the matter of a special report to the Association in 1860 or 1861. It seems to be clearly made out that the mixing of men and boys together always leads to disappointment. It is noticed, too, that the character of evening classes is very much modified according as the masters are voluntary or paid. The relation of the day-school master to this evening work is evidently at present the subject of some doubt and discontent. If, as suggested by some, the hours of the day-school were shortened, some of the objections to his employment in this way might be removed.

Half-time schools are only very partially applicable to the occupations of Liverpool. Nor has any great prize scheme yet been organized here. Strong wishes, however, are expressed for such a scheme, and it is hoped that one may before long be matured. As to the indirect influence over education which merchants and other employers of labour can exercise, it is evidently considerable, and in some cases this seems to be felt.

VI. Pupil-Teachers. Though this subject strictly belongs to the first section, I have purposely kept it separate, partly because it has a definite importance of its own, and partly because it has been very fully considered in our discussions and inquiries.

Very favourable opinions are generally expressed concerning the beneficial results of this part of the Government system. At the same time it must be acknowledged that among the parents of the poorer classes there is rather a widely extended feeling against it. There is an impression that the pupil-teachers do not always behave with discretion to the children, and that in large schools, conducted on the pupil-teacher system, especially where the lower classes of the school are large, the progress of the children is not so good as in smaller schools more directly taught by the master or mistress. We may notice here an approximation of opinion on the part of fathers and mothers on the one hand, and masters and mistresses on the other, in favour of a comparative increase of adult teaching power.

On one point there seems to be an absolute unanimity in Liverpool, viz., that the payments to male pupil-teachers are too low to secure what is really wanted. This is put in the strongest manner both by managers and teachers, and in reference to schools of all denominations, and alike by masters and mistresses. No difficulty is felt in obtaining female teachers of a high order, both as regards intellectual attainments and family connexion. Two mistresses of great

experience go so far as to say this: 'The payment allowed to female pupil-teachers should be lower. We find parents, generally, seeking to have their daughters apprenticed from no higher motive than the remuneration received during their term of five years.' They add: 'The stipends to boys should be raised in proportion to the advantages offered them in business.' And here is precisely the main point. It is not so much that male pupil-teachers cannot be obtained in sufficient numbers, but that in consequence of the inducements held out to boys in this town, they are of a low order in every respect, and that this has a deleterious effect on their present influence in the school, and suggests serious apprehension for the character of the future schoolmasters of the country. The amount paid to male pupil-teachers is probably quite enough in agricultural districts; but the case is quite different here. It is not natural that a boy should accept 75*l.* with wholesome restrictions on his liberty for five years, when he can have 100*l.*, with a mischievous amount of freedom for the same period. It is true that his views might be different, if he took everything into account, and looked forward ten years; but it is not in the nature of a boy to take everything into account, and look far forward. It is well argued in mercantile language, that it is bad policy to engage a boy at a payment below the market value of his abilities. This moral, physical, and intellectual commodity commands a far higher price; and hence in the school we must be content with an article below mediocrity. A Church of England master of long experience says:—'Two of my pupil-teachers, when receiving conditionally 5*s.* 9*d.* per week, were offered 10*s.* per week in offices; and one in his fifth year, receiving 7*s.* 8*d.*, was offered 35*s.* per week.' A clergyman says, on the other hand, in reference to female pupil teachers:—'As to girls, almost all in the first class with us seek to become pupil-teachers; and the best of them will gladly remain a year longer in school, if they understand that by that time they may get on the list of candidates.' The same correspondent continues:—'Boys and girls as pupil-teachers start with 10*l.* per annum, increasing each year 2*l.* 10*s.* as they rise a class. If the girls began at 9*l.* and the boys at 11*l.*, the effect would be better. Then the pupil teachers are paid once yearly after passing a successful examination, with good character. It would be better if they were paid at each six months, half their stipend depending on their examination, &c. The parents and pupil-teachers find twelve months a long time to wait.' The master of a school conducted by Unitarians suggests the following scale of payment: 'For the first and second years, as at present; for the third year, 17*l.*; for the fourth, 23*l.*; and for the fifth, 30*l.*; *i.e.*, 95*l.* for the five years.' He thinks it must ultimately come to this if the pupil-teacher system be continued. A Roman Catholic, well acquainted with the working of the system, makes a different suggestion, amounting, however, to nearly the same result, viz., '15*l.* for the first year, increasing to 25*l.* for the fifth year; leaving the girls' payments as at present.'

As to the health of pupil-teachers—a subject purposely put forward

for inquiry—we hear of no complaints, except that there is a certain tendency among them (in common with all engaged in oral tuition) to affections of the throat and lungs. This may arise partly from the use of the voice, and partly from the commonly impure atmosphere of school-rooms.

It is gratifying that a favourable report is almost unanimously given of the character of pupil-teachers. I could give quotations from various sources confirmatory of their generally good and decorous behaviour, habits of industry, steadiness, moral principle, and efficient discharge of duty. Surprise, indeed, is expressed that, considering the temptations to which they are exposed, their conduct is so good. It is, however, noticed that their elevation may sometimes be dangerous to them, and that almost everything depends on the 'watchful care, judgment, and tender attention of those who are placed over them.' One correspondent says that he finds that male pupil-teachers, while they do not fail in 'general intelligence and skill in teaching,' are yet often deficient in 'religious convictions and general deportment,' and either 'slovenly or affected' in their dress and speech. He naturally alludes to the importance of attending well to these points in Training Colleges. Few things, indeed, are of greater moment to this country than the kind of character which is formed in Training Colleges, and this perhaps especially in the case of females. It must be remembered that young schoolmistresses in large towns are placed in a position of great trial. I myself have met with cases where it has seemed to me (as indeed is sometimes seen in higher classes of life) that the intellectual equipment has been far in advance of the solid formation of character. Here I cannot help quoting a sentence which occurs in one very valuable communication :—'We forbear to make any remark regarding the character of female pupil-teachers. The very unwise selection which has hitherto been made, and the evil results now apparent in their character as mistresses of schools, does force upon us the duty of making one suggestion, to stop, if possible, a wider extension of the evil. Before a pupil-teacher is admitted into college, it would be well for the matron to be thoroughly acquainted with the character of the girl by a confidential communication with her late mistress.' My attention has been called to the fact, that Roman Catholic girls' and infants' schools are generally conducted by ladies belonging to some religious order, and that 'each of these communities is willing to receive the female apprentices into suitable houses, so that managers, when they find it desirable, are able to bring candidates of promise from distant places.' It is added, that 'the results are excellent,' as regards both the present conduct and future career of the young women.

Still the verdict concerning pupil-teachers, both male and female, is on the whole very satisfactory; and this leads to the concluding remark, that the country gains rather than loses in respect of those who ultimately turn to other employments. It is probably said with truth, that more do not leave this profession than other professions. While they are engaged in teaching, the country has the benefit of

their labours at a cheap rate; and if they go elsewhere, they usually become the centres of wholesome moral influence. A habit of study, even though partially formed, is likely to lead to greater intelligence in any vocation; and practice in teaching is not a bad preparation for other practical employments.

The Circular invited attention to two other subjects, which may be briefly noticed in conclusion—viz., Sunday Schools and Infant Schools.

The true character of Sunday Schools is often expressed, and very truly, by the phrase 'necessary evils.' It would be far better if parents were willing and competent to give their children religious instruction on Sundays at home. It is generally agreed that the best part of religious instruction in school is given on the week days. The Sunday school is rather a religious and social, than a strictly educational instrument. It can do little either for giving or continuing general education. But it does much for keeping up parochial and congregational feeling, and for maintaining influence over boys and girls that have left school. One fact is very apparent in Liverpool, viz., that the strength of the Church of England is in week-day schools, and the strength of Dissenters in Sunday schools. The latter attend church daily schools far more willingly than church Sunday schools. In fact, as has been implied above, they attend such daily schools very willingly indeed, if only free play is left to the congregational agency on Sundays. It is also observed that very many children, who have been regularly educated in national schools, attach themselves afterwards to Nonconformist Sunday schools. Ample statistics could have been furnished in confirmation of these statements, but this is probably unnecessary. The general subject, however, is full of interest; and it is desirable to invite attention to the relative condition of different parts of the country in respect to it. In the large manufacturing towns and villages of the West Riding, the Sunday school is a more prominent feature than in Liverpool.

It would be difficult to state too strongly the feeling which is expressed in favour of Infant Schools. The time of early childhood is the period of most regular and continuous attendance, and therefore one of the best opportunities for beneficial influence; and it is generally agreed that those who have been at infant schools are usually the most satisfactory pupils afterwards. We do indeed obtain a certain difference of impression, according as we converse with the managers of schools or with the parents of the children. The difference is similar to that which we have noticed above with regard to pupil-teachers. The parents are apt to say that too much attention is given in infant schools to mere routine—that the little children do not learn to read, or to know anything of arithmetic; and they begin to be impatient if they see, or fancy they see, the limited period of school instruction passing away without palpable results, and especially if they find that their children cannot be entered into the higher day-school till the age of about seven. On the other hand,

masters and mistresses give it as the result of their experience, that the subsequent progress of the infant-school child is more rapid and more sure than that of the child from a small private adventure school, though the latter may know more and read better at a given age. Nothing is more probable than that the immediate results at an early age are fallacious, and that, even for ultimate intellectual results, the early formation of moral habits is all-important. As to the general, moral, and social results of infant schools, there seems to be no difference of opinion. It might be thought that they would tend to impair domestic feeling, and to diminish the fondness of mothers for their children. But there is no proof of this. One correspondent says :—'Infant schools produce marked and excellent effects upon the conduct and attainments of children ; and I do not believe that any evils result to poor mothers from that relief and change which women of the upper classes never fail to procure.' Another expresses the matter thus :—'Infant schools are a mercy both to mothers and infants : the mother is not annoyed by her infant at her work, nor wearied out by its demands, and is glad to greet it on returning from school ; and the little one, not being knocked about the house, is glad to see its mother.'

One moral seems to be very clearly pointed out by the facts and opinions embodied in this Report—viz., that if the wealthy do not forget the poor in consequence of being removed from immediate contact with them, if those who have the benefit of a higher culture are mindful of their ignorant fellow-townsmen, if the employers of labour realize the extent of their indirect influence over those whom they employ, if school managers and school teachers are assiduous in making themselves acquainted with the families which send children to their schools, the present system provides an efficient machinery for a vast development of popular education in its best form.

One practical suggestion also seems inevitable,—that some local provision is wanted for examining applications for aid, for estimating the wants and resources of known districts, for watching over the administration of funds, and for judging of the purposes to which they are applied, and generally for aiding, by local knowledge and experience, the action which proceeds from the central power of the Privy Council. Even here, perhaps, it is desirable not to be in great haste. It is evident, as I observed last year in a paper read on a kindred subject, that a large amount of local activity is rising up in all parts of the country, in connexion with various educational schemes, such as the examinations of the Society of Arts and of the Universities. Is there not reason to hope, that if time is given for the growth of spontaneous organization, much may be done, without State interference, for a healthy combination of central and local action, and for the diffusion of good education in harmony with full religious freedom ?

SUMMARY OF PROCEEDINGS IN THE EDUCATION DEPARTMENT.

THE business of the department began on Tuesday, the 11th of October, and ended on Friday, the 14th. The chair was occupied during the entire period by the President, the Right Hon. Charles Bowyer Adderley, M.P., who delivered his address on the morning of Wednesday. The number of papers contributed made it necessary that the department should sit in two sections, both on Thursday and Friday, when the chair of the second section was taken by Mr. Edwin Chadwick, C.B. During the past year the Rev. David Melville was compelled by ill-health to deprive the department of his valuable services, and the Rev. G. Boyle was appointed in his room. In the unavoidable absence of the latter gentleman, the duties of the permanent secretaryship devolved wholly on the Rev. Nash Stephenson, by whom they were most efficiently discharged. The department is also indebted to the Rev. H. J. Burfield and the Rev. H. B. Creek for their services as local secretaries.

In addition to the papers printed at length in this volume, the following were read at the meeting :—

'On the Establishment in Cambridge of a School of Practical Science,' by Rev. H. Latham.

'How can our University System be made more available for the Middle and Working Classes,' by Rev. Robert Bruce.

'On the Local Examinations of the Universities of Oxford and Cambridge,' by Nicholas Waterhouse.

'Review of the Condition of Middle Class Education,' by Rev. H. G. Robinson.

'General Education in Upper and Middle Class Schools,' by Algernon Foggo.

'The Relation of the Elementary Day School to the Mechanics' Institute,' by W. Davis.

'The Injurious Effects of Enforced Attendance at Public Worship on the Education of the Children of the Poor,' by Rev. J. Erskine Clarke.

'On the Obstacles to the Education of the Children of our Labourer and Artisan Population, arising from the Increasing Diversity of School-books in England and Scotland, and the Advantages of a Complete and Uniform Series for all Schools receiving Government Assistance,' by Rev. W. Fraser.

'On the Expediency of Measures for Reducing the Hours of Instruction, and for the General Introduction of the Naval and Military Drill, systematized as Gymnastic Exercise, as parts of any National System of Education,' by Edwin Chadwick, C.B.

'On Exhibitions in Primary Schools,' by Rev. C. D. Goldie.

'Ragged and Feeding Schools,' by George Davidson.

'Free Lending Libraries an Essential Part of National Education,' by R. W. Roulston.

'On the Choice of Method, considered in relation to the Subject of Instruction,' by Rev. John Slatter.
'Education and Labour,' by W. Walker.
'Some of the Advantages and Disadvantages of the Privy Council System of Education,' by Rev. T. B. Benstead.
'Poor Districts, in Relation (or rather Want of relation) to the Government Grant,' by Rev. R. Heeling.
'On the Necessity and Practicability of Establishing a Higher Standard of Professional Education in Teachers,' by Rev. R. J. Bryce.
'On the Importance of Natural History as a Branch of Education,' by Rev. A. W. Worthington.
'On the Results of Educating the Deaf and Dumb in the Yorkshire and other Institutions,' by Charles Baker.

CIVIL SERVICE EXAMINATIONS.

On the conclusion of the papers by Mr. Horace Mann and Sir Stafford Northcote, which will be found at pages 274 and 279 respectively—

Mr. EDWIN CHADWICK moved—

That it be recommended to the Council of the Association to request the Education Committee to watch the application of the principle of Competitive Examination, as a test of fitness for the Public Service, and to make representations to the Government of the expediency of further extending that application.

Mr. Chadwick argued that competitive examination, instead of admitting men of inferior education into the public offices, had the opposite effect. A large proportion of the successful candidates were, he stated, the sons of the clergy and higher classes, and were also actually a superior class in respect to physical requirements. But he considered that the subject demanded further investigation.

The Rev. Mr. HOWSON seconded the resolution, and in doing so expressed his opinion, that by further extending the system of competitive examination, a better class of men would be secured for the public service than those who found entrance to it through private nomination. He objected to the present very limited range of competition, which did not give the scheme a fair trial, and tended to introduce men of second-rate ability. He also expressed his strong sense of the desirableness of transferring the power of presentation to situations in the public service from Members of Parliament to magistrates and other local authorities.

Mr. MORLEY considered that any man who possessed the necessary qualifications should have the opportunity of obtaining a testimonial of character and efficiency, and thus of offering himself for the public service. He expressed his hope that before long admission into Government offices would be equally easy of access to the son of the peasant and the son of the peer.

Mr. ACLAND felt sure that political patronage was oppressive to Members of Parliament, and that they would only be too glad to give it up. He thought that the successful candidates of the University

and Society of Arts examinations should be permitted to present themselves without nomination as candidates for Government offices.

The resolution was carried unanimously.

UNIVERSITIES AND MIDDLE-CLASS SCHOOLS.

The Rev. H. LATHAM read a paper (which has been printed in a separate form) on 'The Establishment in Cambridge of a School of Practical Science.' He regretted the non-existence of any institution in England for the teaching of practical science, and urged the desirableness of establishing one in connexion with the University of Cambridge. He suggested that there should be professors to give instruction in chemistry, mineralogy, civil engineering, practical surveying, &c.; that suitable workshops, mechanical and philosophical instruments, &c., should be provided, and that the students who passed a successful examination should be distinguished with the degree of Associate in Practical Science.

The Rev. ROBERT BRUCE, M.A., read a paper entitled—'How can our University System be made available for the Middle and Working Classes,' in which he proposed an increase in the number of Universities. No country in Europe, he stated, had so few as England. Germany had 18, Spain 11, Austria 8 or 9, and even Russia 8, while America had more than 100. He thought that the great manufacturing towns of England might each have its University, which would speedily raise the standard of middle-class education in the surrounding district. He also thought that exhibitions should be open to competition, so as to admit members of the working classes who could prove themselves worthy of University education and honours. The Scotch Universities, he said, had been an unspeakable boon to that country. They had, with many defects, which he was glad to know were being remedied every day, done more for education in Scotland than the English Universities had done for England. The English Universities had sent out more first-class scholars than the Scotch, but hitherto their influence upon the general education of the community had been very limited, while in every parish school and in every family the Scotch Universities had made their elevating influence felt.

Mr. NICHOLAS WATERHOUSE, in a paper 'On the Local Examinations of the Universities of Oxford and Cambridge,' written in anticipation of the reconsideration of their plan of examination by the University of Oxford, stated the results of the three examinations which had been held in Liverpool, where the number of candidates examined (236) and the number of certificates gained (136) had only been outnumbered by those of the London district. He showed that, while the district contains one-third of the grammar schools (192) and one-fifth of the other endowed schools (557) in England and Wales, the candidates were almost all drawn from 11 grammar, 7 modern public, and 23 private schools; proving that very many were either not acquainted with the examinations, did not appreciate their value, or did not like to submit to the test. A large proportion of the candidates at the Cambridge examination were the sons of profes-

sional men, one-sixth of them being the sons of clergymen; while the sons of merchants formed the largest class among the senior, and the sons of tradesmen among the junior candidates for the examination by Oxford University. The superior attractiveness of the Oxford examination might be accounted for both by its conferring the degree of Associate in Arts on the senior candidates, and by the results of the examination being arranged sectionally, so that a youth of 17 or 18 about to engage in engineering, or law, or medicine, or some mechanical art, might refer to his place in the sectional class list. But the junior examination was the more important, and a much greater proportion of the Cambridge candidates were juniors, as they were allowed to present themselves in the junior class up to 16 years of age, while the Oxford limit was 15. Two-thirds of the latter, and four-fifths of the former were juniors. Among the suggestions which Mr. Waterhouse brought forward were the following:—

(1.) The partial assimilation of the systems pursued by the two Universities, in order to prevent their outbidding each other, but at the same time providing a choice of examiners and subjects to suit the variety of schools.

(2.) The conferring of a degree on the senior candidates, but with higher requirements than appear necessary for obtaining the present Oxford A.A.

(3.) The adoption of the Cambridge system of examination in religious knowledge, which has proved completely successful. Voluntary, but taken into account in the class list, consisting of certain books of the Bible, a theological book approved by Dissenters, and the formularies of the Church, the latter being optional, hardly any parents objected to it; in Liverpool not one.

Mr. Waterhouse considered that the system was fairly established, and would go on increasing. Its advantages were beginning to be felt; it was already guiding the course of study and improving the discipline of schools, and its importance was likely to be enhanced by the adoption of the University examinations as a preliminary to some of the many professional examinations now held. The Royal College of Surgeons have already exempted the holders of University certificates from their preliminary examination, and the Society of Apothecaries have granted the same exemption.

The Rev. G. H. Robinson, Principal of the York Training School, gave 'A Review of the Condition of Middle-Class Education,' in which he characterized the education given in the generality of middle-class schools as unmethodical, slovenly, and shallow. He believed that any inquiry into the condition of these schools would result in their signal condemnation. From his own experience he had found the children attending national schools much better able to undergo an examination than those attending middle-class schools. He thought the University examinations would do little beyond throwing light on the condition of these schools. He suggested that no person should be allowed to assume the functions of a schoolmaster without first obtaining a certificate of competency, and that an effort should be

made by the middle classes themselves in any district in which there was a deficiency of good schools, by associating together to form one, and maintain it in efficiency.

A discussion followed the reading of these papers, in the course of which

Professor HENNESSEY urged that physical science should have a more prominent place in University education. He also agreed with Mr. Bruce that Universities should be established in our great manufacturing districts.

The Rev. Mr. HOWSON said, with regard to the University examinations, that he believed the degree of A.A. conferred by the Oxford University was not held in great estimation. He thought that in some respects the Oxford system was superior to the Cambridge one, but in reference to examination in religion Cambridge had adopted the best plan, making the examination of equal value with that on any other subject, leaving it in the option of the students whether they would be examined in religion or not. It was most desirable, he thought, that the system of examination adopted by the two Universities should be assimilated. The difference in their schemes would work very prejudicially, as teachers would not know which scheme to follow. They had to prepare their pupils in a different manner according to the different schemes of the two Universities. The opinions of parents led one to prefer one scheme, and another the other. One would have his child examined by the Oxford examiners, another by those of Cambridge; and thus the teachers were compelled, especially in small schools dependent on popular support, to work up their pupils for the two schemes at the same time. He heartily concurred with Mr. Robinson in his strong condemnation of the generality of middle-class schools.

Mr. HENRY FAWCETT considered that this examination system would have the effect of raising the attainments of teachers, but he feared that it might lead to the masters training up the clever lads to pass the examination and neglecting the remainder of their pupils. He could not agree with Mr. Robinson in his sweeping condemnation of the masters of the middle-class schools, for he thought that the great defect in teaching in these schools arose rather from the parents forcing the masters to teach merely showy accomplishments instead of solid requirements. He thought a demand for thorough education would create a supply.

Mr. T. D. ACLAND believed that the examinations had accomplished some good and would yet accomplish more. The religious question was one which the Oxford delegates would willingly entertain.

Mr. JAMES HEYWOOD moved the following resolution, which was seconded by the Rev. J. P. FEARON, and carried :—

That the Council be requested to summon a meeting of the secretaries and representatives of the local committees, and such other persons as they may deem right, connected with the local examinations of the Universities of Oxford, Cambridge, London, and Durham; the meeting to be held in London, if possible, during the approaching Christmas holidays.

Mr. ALGERNON FOGGO contributed a paper on general education in upper and middle-class schools, in which he insisted on the necessity for teaching the classics in a less dry and routine manner, and on the cultivation of English literature by the study of English classics.

STATE EDUCATION FOR THE WORKING CLASSES.

The Rev. R. HEELING read a paper 'On Poor Districts in relation (or rather in want of relation) to the Government Grant,' which began by remarking that probably no system of education would answer in this country but the one now in existence. Nevertheless, he had some modifications to propose. These were briefly the extension of the Factory Acts to all trades, and the extension of Government assistance to those schools which, from their utter inability to conform to the Government requirements, were unable to obtain aid from the Committee of Council. This latter object he proposed to attain through the recognition of another class of teachers. At present no school could obtain Government assistance that had not either a certified or a registered teacher. Doubtless it was desirable that all school teachers should be either certified or registered. But what were those districts to do that could not obtain them? Practically the Government said, 'Go without.' The writer had been more or less connected with three schools in three different counties, and, from poverty alone, not one of them could receive any assistance from Government. One was a mining, another a metropolitan, and the third a manufacturing district. Was it fair for the Government to withhold all aid from those districts which were most in need of help, while dealing it out bountifully to more highly favoured places, which might perhaps do very well without it? He proposed a remedy by allowing any school to be inspected whose managers should desire it, and by providing that the favourable report of the inspector should secure for a school, which did not otherwise come within the reach of Government aid, a grant of 5*l.* or 10*l.* a year in augmentation of the teacher's salary.

Another paper on the same subject, by the Rev. F. B. Smith, will be found at p. 383. In the discussion,

Mr. E. BAINES, M.P., said there was no difference of opinion among those present as to the end to be attained, all being in favour of the fullest and completest education of the people. But he wished all who were so zealous on behalf of education would give proper weight and influence to the important consideration of maintaining amongst the people the feeling of self-reliance and an independent spirit; for he disputed the fundamental principle of Government interference with education. The President in his address had condemned compulsory education, and in that he entirely concurred with him; and there was another point on which they were all agreed, and that was, that voluntary effort on behalf of education was in itself honourable, noble, and right—that it was improving to those who exercised it—that it was calculated to reach the depths of vice and ignorance which existed in this country—and that upon it, moreover, they chiefly

relied for the maintenance of even the Government system of education. He owned that in all those cases in which the State might be admitted to be *in loco parentis* Government interference was justifiable. Another point on which they were all agreed was, that it was the duty of parents to educate their children. He held that that duty ought to be inculcated upon them to the utmost, and that if they were to attempt to take it out of their hands and put it into the hands of the State, they should commit a mistake and incur a social evil of the grossest possible kind. It was the interest of parents as well as their duty to have their children educated; natural affection led them to do whatever was for the benefit of their children; and every improvement which took place in education tended to convince people more and more that an educated child was more likely to make his way in after life than an uneducated one. He would therefore leave education to self-interest, which was a sufficiently powerful motive. The principle of protection of industry was until recent years held to be absolutely indispensable throughout the world, and yet since its abolition self-interest had been found to be infinitely better, and its withdrawal had been one of the chief causes of the prosperity now enjoyed by this country. Then he thought it must be admitted that a system of education supported by Government grants interfered with, impaired, and to a certain extent destroyed the self-reliance of the people, and if so, they inflicted upon a noble, an all-pervading, and all-important principle a grievous injury, for the sake of rendering a humane and benevolent assistance to education, at the same time that they impaired to the same extent the freedom of education. The secular party insisted on the entire exclusion of religion from education in the school, but the Government took for its fundamental and indispensable condition religious teaching, and these he held it was impossible to reconcile. He insisted that religion was the first element in education, and would never give his consent to any system which excluded it. But look at the difficulty in which they were then placed. They could not meet the requirements of those who objected to the teaching of error, and insisted on the teaching of truth whilst they adhered to that scheme. He was bound by his allegiance to truth to give it all the support he could, but he was also bound to oppose error, and not to give his help to support it. If they had, however, a Government system, they must extend it to all, and give the same support to error which they did to truth; and that he never could and never would consent to do. Some of them doubted the power of the voluntary principle, but they should recollect that it had done a great deal more than had been done by the Government, for it had broken up the fallow ground and prepared the people for education, and there was a power in the voluntary principle which was equal to the whole demands of the nation.

Mr. Thomas Webster said Mr. Baines had asked them to look at the power and the influence of the voluntary principle in relation to what it could do, but it had been found that that principle had not been sufficient to provide education for the people, and he ought to

consider what had been done when it was aided and stimulated by assistance from the State. Mr. Baines spoke of the voluntary principle as it was manifested in the West Riding of Yorkshire, but if he had had experience of the agricultural districts,—if he had seen the apathy displayed by the landowners, and the miserably destitute condition of the children of the labourers, till the State had assisted the one or two individuals who promoted the erection of schools, he would admit perhaps the necessity of the Government grant. He had spoken of the duty of parents to educate their children, but what would he do in the case of parents who from ignorance would not, and from poverty could not, pay for their education?

The Rev. Dr. FRASER, returning to the subject of small rural schools, said it was admitted that poor rural districts were incapable of helping themselves, but wealthy districts might be left to self-support. He thought that public aid had the effect of inducing the wealthy to diminish their contributions. He believed that if charitable trusts were applied to the education of the poor, the voluntary aid of the wealthy would be sufficient for the educational wants of the country.

The PRESIDENT asked what was meant by a poor district? for although there might be poor tenants, there were also rich landlords who ought to find funds for the support of a school. With regard to the arguments he had been listening to, he observed that some spoke of the advantages of the voluntary system, they were right; some spoke of the advantages of the non-voluntary system, and they were also right; but both parties seemed to forget that there was a third course, the combination of the two systems, and that this was the course which the Government pursued, and so secured the advantages of both.

FACTORY EDUCATION.

Mr. WILLIAM WALKER, in a paper on 'Labour and Education,' (which has been published separately), noticed the great change which has recently taken place in the condition of the labouring classes in England, from the absorbing system of factory labour and the employment of children in large towns, and pointed out the responsibility which consequently devolved upon the employers of labour. He reviewed the operation of the various Factory Acts passed since 1833, showing from the reports of factory inspectors that their influence has been most satisfactory in improving the state of education of our juvenile population of the factory districts, and improving their moral and religious training; from which he argued that the system should be extended to other classes of labour. The Factory Acts recognised the paramount importance of the public good over the private and personal desires of a portion of the community. On the same grounds, he held that the schoolmaster's certificate should be made an indispensable condition in the employment of all children between eight and thirteen years of age; the union of education and labour thus effected would give employment and secure education to many who were now neither employed nor educated.

The paper of Mr. WILKES on a similar subject will be found at page 363. In the discussion,

Mr. HENRY FAWCETT spoke of the great evils resulting from children being taken from school, especially in the agricultural districts, at the early period of nine or ten years of age. He agreed in the remedy suggested of extending the education clauses in the Factory Act to other descriptions of labour besides that of factories, and stated that, whilst factory proprietors admitted that these clauses worked well, they felt aggrieved at being subjected to an especial and exceptional legislation.

Mr. WRIGHT, of Birmingham, thought it was desirable and possible to extend the provisions of the Factory Acts to other trades and occupations. He deplored the evils of leaving children uneducated, and hoped that the Government would adopt measures to render education compulsory.

Mr. W. E. FORSTER, as a millowner, acknowledged the advantages of the half-time system, which had been the result of Government interference. He believed that if the educational facts connected with the West Riding and Lancashire were carefully examined, even Mr. Baines himself would find out that the present state of education was not so much owing to voluntary effort as he supposed; a great portion of it was compulsory. Millowners were compelled to see that children under thirteen years of age went to school before they were allowed to work, and parents were compelled to send them to school before they sent them to work; and if these rules were not adhered to, the offenders were subject to heavy penalties. He did not object to the system, but, as monopoly had been abolished, he thought millowners should not be allowed to monopolize the compulsory education of the young. There might be difficulties in the way of an extension of the factory system, but there appeared to be no reason why, for example, in the colliery districts, it should not be tried. He thought the agriculturists might also apply it in their own districts. Mr. Zincke* had stated his opinion that children might attain to a sufficient education at the age of ten. Here it was found difficult at the age of thirteen. Indeed, he desired that the age of limitation should be extended to fourteen.

Dr. WATTS, in alluding to the opinion expressed by Mr. Baines, that State education had a tendency to diminish the self-relying habits of the people, said he was himself a charity boy, and he had never felt this effect, and, after a somewhat extensive inquiry, could not find it in existence. Give education, he did not care by whom it was paid for, self-reliance would be the result.

THE PRIVY COUNCIL SYSTEM.

The REV. T. B. BENSTEAD read a paper 'On some of the Advantages and Disadvantages of the System of Education carried out by the Committee of Council.' He said it had studded the kingdom with a

* See paper by the Rev. Barham Zincke, page 287.

large number of substantial, well-warmed, well-ventilated schools, and had further enabled them to procure books, maps, and apparatus, and a superior class of teachers. So far there was unmixed advantage; but he complained that many of the teachers were above their work—did not succeed in elementary teaching, especially did not teach writing so well as uncertified teachers, and certified mistresses did not teach needlework so well as uncertified ones, two things much appreciated by parents, and vital to the success of the schools. The art of reading, too, was sometimes neglected. The parents could judge of these things. Fathers knew which school turned out the best copybooks, and mothers could tell whether the old dame sent home better specimens of sewing and knitting than the certified mistress. Inspection was one great advantage, and was felt as a decided stimulus by all concerned; inspectors should be relieved of the needlework, and lady inspectors appointed for it. Mr. Benstead acknowledged that he left a considerable balance in favour of the Privy Council system.

In the discussion which followed the reading of this paper and that of Mr. Gunnery, printed at page 377,

Sir THOMAS PHILLIPS said that the great and acknowledged defect in the present state of education was the early withdrawal of children from school. He believed compulsion to be impracticable. Mr. Forster had said that the factory system should be made universal; but at the time of the passing of the Factory Acts the question was whether children should be excluded from the mills up to the age of thirteen, and the solution was that they should be admitted at eight years, if education was supplied to them up to thirteen. The State did not supplant voluntary effort, it only supplemented voluntary agencies, and he thought the prosperous working of the system might be seen in the advancement of education. As for the religious difficulty, the Privy Council system had almost extinguished it.

After some further discussion on the subject of schools at present excluded from Government aid, Mr. THOMAS WEBSTER moved, and the Rev. R. GUNNERY seconded—

That the Council be requested to appoint a Committee to consider and report on the best means of obtaining aid from the Government grant, in cases in which it is specially required and is not obtained.

The resolution was carried.

EDUCATION OF GIRLS.

In the second section, under the Presidency of Mr. Edwin Chadwick, C.B., the Rev. J. S. Howson read the paper on this subject printed at page 308. In the discussion,—

Dr. HODGSON called attention to another flourishing school in Liverpool of a similar character to that described, but differing in the important particular of religious instruction.

The Rev. J. H. RYLAND, in allusion to the feelings of Nonconformists, said, that it struck him as possible that there might be a religious education, based on the religious sentiment, without the inculcation of religious doctrine.

Mr. HOWSON, in reply, laid stress on the fact that, in the case of the school which he had described, the satisfaction of a large number of Nonconformists was practically shown by sending their children to it. He said he believed this would always be the case when Dissenters are treated with fairness and kind consideration, and that they have more confidence in a school established on a definite religious basis.

Mr. STEWART, of Edinburgh, spoke strongly of the importance of a homely and useful education for girls of the middle class, and deprecated the love of display as leading to imposture. He said he thought it would be a great gain to schools, for this class, if all pianofortes could be destroyed for five years.

Mr. T. D. ACLAND forcibly pointed out the bearing of this subject on the training of governesses of the more homely kind, and confirmed what had been said by Mr. Howson on the value of the institution of Queen's College.

METHOD IN TEACHING.

In addition to the paper by Mr. J. G. Fitch, 'On the Professional Training of Teachers,' printed at page 411, and dealing with the subject of method, the Rev. JOHN SLATTER contributed a paper 'On the Choice of Method, considered in relation to the Subjects of Instruction.' Mr. Slatter divides the subjects of instruction, as they present themselves in practice, into that which is taught by authority without requiring the assent of the understanding, and that wherein the mind is made to exercise its thinking powers, and to appreciate the reason of each successive step; and the object of his paper was to contend, which he did with great force, for the necessity of combining the two methods. The culture of the memory, he thought, was at present rather overlooked, and in dealing with the subjects of elementary education, he considered its exercise as necessary as the development of the understanding, though the former was worthless without the latter.

ADULT EDUCATION.

In order to give a more complete view of the subject of adult education, a group of papers on Mechanics' Institutes read in the department of Social Economy, have been printed with the papers of the Rev. W. Rogers and Mr. David Chadwick, commencing at page 323.

Mr. DAVID M'BURNIE read a paper on 'Female Educational Institutes in Bradford,' which began by noticing, as a singular fact, that amidst the various institutions which had sprung up during the last thirty years for the education of the working classes, so few should have been specially adapted for the young female portion of the community. He proceeded to show the benefits which would result from the establishment of Female Institutes for the young women of manufacturing towns, and to give an account of one established in Bradford.*

Mr. W. DAVIS contributed a paper on 'The Relation of the Ele-

* See a paper by Mrs. Hertz, p. 347.

mentary Day School to the Mechanics' Institute,' in which, while acknowledging the immense benefit conferred on the manufacturing districts by the half-time system of education, he stated that it was a pretty general practice with factory operatives who had children old enough to go to school, but too young to enter the factory as half-timers, to reason in some such way as this, 'My boy will go to work when he is eight or nine, and when he does he will be compelled to go to school, therefore I wont send him.' The result of this practice was that boys and girls of eight, nine, and often ten years of age entered school for the first time. They leave school in their thirteenth year without the ability to read with anything like intelligence and facility, for their home influences, and the difference of the language used there, created additional difficulties in their way. Two or three years were passed without any attempt on their part to add to the little knowledge they had acquired, and when at length they began to think of joining the institute, they discovered that they were unable to read without spelling their way. They were consequently discouraged, or if they did join, found so many difficulties in the way of learning to read, that they abandoned the attempt, and so far the news-room and library of the institute were to them of no value.

Mr. R. W. ROULSTON, in a paper on 'Free Lending Libraries an essential part of National Education,' pointed out the immense benefits conferred on the working classes of Liverpool by its free lending library, and advocated the establishment of a similar institution in every town in the kingdom with a population above 10,000 inhabitants, to be supported by a small local rate, and to contain an educational department, where elementary works in every branch of knowledge might furnish to the working man an opportunity for continuing and perfecting himself in any study, begun, perhaps, in the National School. He pointed out also how far foreign States were ahead of England in this respect.*

NATURAL HISTORY AS A BRANCH OF EDUCATION.

The Rev. A. W. WORTHINGTON read a paper 'On the Importance of Natural History as a Branch of Education,' insisting on its healthy exercise of the body, its discipline of the mind to accurate observation, comparison, and systematic classification of knowledge, and its moral and religious tendency. A paper by Mr. G. W. Hastings on this subject is printed at page 403.

ENFORCED ATTENDANCE ON PUBLIC WORSHIP.

The Rev. J. ERSKINE CLARKE, in a paper 'On the Injurious Effects of Enforced Attendance at Public Worship on the Education of the Children of the Poor,' attributed the great secession from the church of the working class partly to the practice of enforcing attendance on those who pass through our Sunday schools. He denied that, as is often urged, such attendance forms the habit of church-going. We

* See paper 'On the Liverpool Free Lending Library,' vol. 1858, p. 691.

do not form a habit by a series of distasteful acts enforced by compulsion. He thought it better that boys should be even bathing or birdnesting in church time than losing reverence for holy places and interest in sacred truths. He told his own parishioners who objected to have their children returned on their hands after morning school, that he was not ordained nurseryman in general to the parish. He released the children of his own school from attendance at church, and with the happiest results, as a large voluntary attendance continued when school was dropped.

SCHOOL BOOKS.

The Rev. WILLIAM FRASER read a paper 'On the Obstacles to the Education of the Children of our Labouring Population arising from the Increasing Diversity of School Books.' After showing that it was productive of some difficulty to the teacher, he went on to point out the more serious effect of the multiplication of school books as follows:—'A vast proportion of our labourer and artisan population is fluctuating. They follow the tide of changing employment. When they move from one district of the country to another, or from one part of the same town to another, they not only incur the expense of migration, but they have to face unexpected difficulty in the education of their children. I have known the education of whole families, in which young pupils gave high promise, instantly checked by such an obstacle as the following:—The parents made sacrifices to pay the school fees—heavy enough truly, after the expense of travelling—but were baffled when they found that the reading books of their four children, comprising a whole series—their grammars, geographies, histories, and arithmetics—procured with so much difficulty, and so proudly valued—were utterly useless. New reading books, new grammars, new histories, and new geographies must be procured. Some have done for that second time their best; but in a year or two change of employment shifts their sphere, and they find on going with two or three of their older children, and with one or two others, now of school age, to the nearest teacher, that not one of the two previous sets will do. A new set of reading books, geographies, and grammars must be got. The result is, they are all withdrawn from school, and we have families of once hopeful children the prey of ignorance and degrading habits. What I wish specially to make palpable is, that the present arrangements by the Committee of Privy Council not only perpetuate these difficulties, but are actually at this moment multiplying them. They are encouraging bookmaking to such an extent as to baffle numbers in the attempt to keep their children at school, and are defeating widely their own earnest efforts to promote a long continuance at school. The remedy I suggest is simple. It is that the Committee either select one of the present sets of school books, or construct a new set which shall be distributed on easy terms through all schools receiving Government aid. This might be without much difficulty accomplished, for all Protestant schools at least, and would be, I firmly believe, one of the greatest advances made towards a

national system of education. The advantages are most apparent. The children would profit because of a more simple and natural series of lessons, and especially because the teachers trained to the use and illustration of these books would be incomparably more apt and enthusiastic in using them. The parents would profit, because when they moved from one district to another they had merely to send their children to such a school as was receiving Government assistance, in order to having the same books and methods continued. The children and parents would be freed—the one from the mental obstacles, the other from the money barrier, and both from the moral deterioration of leaving the responsibilities of early education unmet; and the State would be enriched by the moral strength of a more enlightened population. So strongly persuaded am I of the benefits which would result from putting an end to the present interminable book competition, that I venture very respectfully to suggest that this section of the Association memorialize the Committee of Council on the subject, and urge the adoption of a complete and uniform series, such as we have already in the national school books for Ireland, but more thoroughly practical in their character, and embracing more of those simple physiological and social questions which bear on bodily health and the duties of domestic and general intercourse.'

EXHIBITIONS IN PRIMARY SCHOOLS.

The Rev. C. D. GOLDIE, in a paper 'On Exhibitions in Primary Schools,' gave an account of a plan he had carried out, by which two of the most promising boys of his school were retained and trained for the work of the ministry, by means of Exhibitions granted by one of the Church Missionary Societies. He urged the extension of the plan to other professions, and the connexion of parochial schools with first-class education through the same means, which would act as a better stimulus to education than money prizes.

PROFESSIONAL EDUCATION OF TEACHERS.

The Rev. R. J. BRYCE, in a paper 'On the Necessity and Practicability of Establishing a Higher Standard of Professional Education in Teachers,'—after showing that the requirements of the teacher were so great as to include, not only the command of language and the science of logic, but also the knowledge of the constitution and working of the mental faculties, and the art of education, made the following remarks on the raising of the teacher's status. 'The lower places in a profession confer dignity if the highest are dignified, and if it be necessary to pass through the lower ranks to reach the higher. The curate is of the same profession as the archbishop, the lieutenant is brother officer to the general. But the highest situations in teaching are not sufficiently high. Social rank depends more on power than on anything else. Such a body as the Educational Institute of Scotland should appoint a board of examiners, who should judge of the qualifications of men desiring to enter the profession, and only those

who passed their examination should be eligible to schools of public foundation.'

RAGGED SCHOOLS.

Miss CARPENTER having read the paper printed in full at p. 397,

Mr. GEORGE DAVIDSON gave an account of the Ragged School system in Bradford. In the year 1855 the first Ragged School came into operation in that town. In the same year the police books recorded no fewer than 111 cases of juvenile delinquency. In the year following this number fell to 76, next year to 47, and last year to 26. These results were fairly ascribable to the influence of the Ragged Schools. The writer remarks on the facility which exists in manufacturing towns for the disposal of the children; the Ragged School and the half-time system fit into each other, and the children are providing for themselves at twelve years of age.

After some discussion, it was moved by Mr. JAMES HEYWOOD, and seconded by Mr. HOLLINGS—

That the Council of the National Association be requested to consider the claims of Ragged Schools to pecuniary educational aid from the Annual Parliamentary grant, and to take such steps as they may deem suitable to memorialise the Committee of Council to aid in the adoption of Ragged Schools as an integral part of the educational movement in the country.

The resolution was carried.

DRILL AS A PART OF NATIONAL EDUCATION.

Mr. EDWIN CHADWICK, C.B., contributed a paper 'On the Expediency of Measures for Reducing the Hours of Instruction, and for the General Introduction of the Naval and Military Drill, Systematised as Gymnastic Exercise, as Parts of any National System of Education,'* of which the following are the heads:—

The subject may be considered with exclusive reference either, 1st, to the future personal welfare of the individual pupil, on the assumption that his future career will be entirely in civil life; or, 2ndly, to the interests of the nation.

In regard to the first topic, the welfare of the pupil in civil life, the case may be established by practical evidence on three special grounds.

Educational.—That it is proved, on the experience of what is called the half-time system, and of well-conducted schools where the drill is already introduced in combination with industrial training, that the tuition during the reduced hours of book instruction is at least as effective as in schools where the full time is exclusively occupied in book instruction.

That it is proved that the time of sedentary occupation in schools is generally prolonged beyond the capacity of the pupils for profitable attention, and that, with a view to their mental as well as bodily improvement, that time must be reduced.

That for occupation of the time taken from book instruction, systematised drill should be introduced on these several grounds:—

1. *Sanitary.*—That the drill is good (and for defective constitutions

* This paper was withdrawn on a request to submit it, with information in relation to it, to the National Education Commission.

requisite) for correction of congenital bodily defects and taints, with which the young of a very large proportion of the population, especially the young of the poorer town populations, are affected; and that for these purposes the climbing of masts, and other operations of the naval drill, and swimming, are valuable additions to the gymnastic exercises of the military drill, and when properly taught are greatly liked by boys.

2. *Moral.*—That the systematised drill gives an early initiation to all that is implied in the term discipline, viz :—Duty, Self-restraint, Order, Punctuality, Obedience to command, Patience.

3. *Economical.*—That it is proved, when properly conducted, by suppleing the joints, rendering the action prompt as well as easy, by giving promptitude in concurrent and punctual action with others, to add, at a trifling expense, to the efficiency and productive value of the pupils as labourers or as foremen in after life.

On the second chief topic, as regards the interest of the nation :—

That the general introduction of the drill is called for, and will be of the same use as it was of old in the parochial training to the use of the bow, and on practical evidence of officers engaged in the drill it is proved

1. That the military and naval drill is more effectively and permanently taught in the infantile and juvenile stages than in the adolescent or adult stages.

2. That at school it may be taught most economically, as not interfering with productive labour, and that 30 or 40 boys may be taught the naval and military drill at one penny farthing per week per head as cheaply as one man, and the whole juvenile population may be drilled completely, in the juvenile stage, as economically as the small part of it now taught imperfectly on recruiting or in the adult stage; and that, for teaching the drill, the services of retired drill sergeants and naval as well as military officers and pensioners may be had economically in every part of the country.

That the middle and higher class schools should have, in addition to the foot drill, the cavalry drill, which the parents of that class of pupils may afford.

That the drill, when made generally prevalent (without superseding), will eventually accomplish, in a wider and better manner, the objects of volunteer corps and of yeomanry, which, as interrupting productive occupations now becoming more absorbing, is highly expensive, rendering all volunteer forces small, dependent on fitful zeal, and eventually comparatively ineffective ; that the juvenile drill, if made general, will accomplish better the objects even of the militia ; that the juvenile drill will abate diffidence in military efficiency, and will spread a wide predisposition to a better order of recruitment for the public service, —will tend to the improvement of the ranks of the regular force, whether naval or military,—and will produce an immensely stronger and cheaper defensive force than by the means at present in use or in public view.

And, finally, that the means of producing this defensive force, instead of being an expense, will be a gain to the productive power and value of the labour of the country.

PUNISHMENT AND REFORMATION.

INCENTIVES TO AND PREVENTIVES OF CRIME.

The Licensing System, especially with Reference to Beer-houses.
By JAMES CROPPER.

I FEEL it hardly necessary to prove the importance of this subject, by showing at any length the sin and misfortune of drunkenness. At the present day, all thinking men admit that drunkenness is in its direct and indirect results the cause of more crime and more misery than any other vice of our population. Idleness, want, disease, dishonesty, and every other sin with which degradation and recklessness associate themselves, stand as the admitted, undisputed attributes of intemperance, and every one of us has his own picture of the ruin and misery, individual and general, of which drunkenness has been the cause.

We each suffer from the drunkenness of our neighbours, in pocket and in security, if not in feeling, far more than we are aware, and we therefore may fairly claim that the law shall do all it can to stop or to remedy the grievance. We do not seek to put down sin by statute or enactment, but we urge the principle of all law which binds civil communities, namely, the advantage of the majority; and if we find that the laws which deal with the agents of drunkenness are in error, we conceive that we are fairly entitled to demand their amendment or entire change. We all admit the magnitude of the evil; we assume, and have always assumed, that its control is a subject which comes within the province of the law, and we are therefore bound to make the law answer its purpose.

The form in which our legislature has endeavoured to regulate the retail trade in intoxicating liquors has been the restriction of the trade to those persons who are authorised to deal in it by formal licence. That licence being granted by the magistrates (the local administrators of the law), was supposed to imply a certain responsibility in the character of the man who obtained it. The licence necessarily restricted the trade, and as restricted trades are supposed to be more profitable than unrestricted ones, the law demands in return for the privilege of the licence that the trader shall be bound

by certain defined rules, and shall not encourage drunkenness in his customers.

This law, with certain small deviations, continued in force until 1830, when an entire change took place, in so far as the sale of beer and what are termed malt liquors was concerned. The moral element was practically withdrawn from the licence, the power to limit the number of beer-selling establishments was altogether removed. The excise officials (who can only treat the subject as tax-collectors) became the licensers, and the only qualification required of the trader was, that his house should appear as rated at a certain amount in the books of his parish.

This qualification, and in country places a certificate of respectability signed by six householders, we may pass over as being in practice quite inoperative as a test of character or responsibility. Experience proves that the lowest house and the lowest character of the neighbourhood are sometimes accepted by the excise authorities. The rating test is not really a fixed limit, and is besides too low to be any guarantee. The excise supervisor is not expected to investigate the qualification of the trader, or to watch over any branch of regulation except when frauds upon the revenue are implied.

The intention of the vital change in the principle of the licence which took place in 1830 deserves notice. It does not seem to have had a fiscal object solely, but to have been the result of a mismanaged and mistaken jealousy of monopoly, and of a desire to give to the public the benefit of competition in the supply of malt liquors.

I call it mismanaged, because it would appear that the purpose of the law was to afford a wholesome liquor at a reduced price, and that the framers of the law contemplated chiefly the sale of the liquor to persons who intended to convey it to their houses to drink.

The original intention was the creation of a licence to sell liquor which should not be drunk on the premises, and the drinking licence was an addition to the first idea. It is needless for me to say that the latter, which was contemplated as the exceptional case, has become the almost invariable rule; the drinking houses have year by year increased, till at present they count fourteen in number for each one of the mere selling houses.

To prove that the original purpose of those who created the beer-selling licence has not been carried out, and that the system of competition which they adopted has not worked advantageously for the public, I cannot do better than quote the words of the Report of the House of Commons Committee appointed in 1854 to consider the subject: they say—

'The natural tendency of the distinction between the two houses is to give rise to an unhealthy competition, under which both parties are drawn to extreme expedients for the attraction of custom.'

Again. 'The beer-shop system has proved a failure. It was established under the belief that it would give the public their beer cheap and pure, would dissociate beer drinking from drunkenness, and lead to the establishment throughout the country of a class of houses of

refreshment altogether free from the disorders supposed to attend exclusively on the sale of spirits.'

Again. 'It is sufficiently notorious that drunkenness is the main cause of crime, disorder, and distress in England, and it appears that the multiplication of houses for the consumption of intoxicating liquors, which under the Beer Act has risen from 88,930 to 123,396, has been thus in itself an evil of the first magnitude, not only by increasing the temptations to excess which are thus presented at every step, but by driving houses, even those under the direct control of the magistrates as well as others originally respectable, to practices, for the purpose of attracting custom, which are degrading to their own character, and most injurious to morality and order.'

I need not multiply authorities upon the evils produced by the beer licence, as at present existing, but I must be permitted to quote part of a presentment made to the judge at the last Liverpool assizes by the grand jury. It seems to me to point out with great power, and at a most fitting opportunity, the mischief of the present system.

After some admirable observations upon the connexion between drinking houses and crime, with some valuable suggestions upon the better regulation of drinking houses, it proceeds thus:—'The present law neither effectually promotes wholesome restraint, nor is it consistent with an unfettered trade. It is administered by two classes of functionaries, on two conflicting and ill-defined principles, so as to cause a confusion most injurious to the well-being of those who are supported by manual labour, and to become a fruitful source of crime. The grand jury are of opinion that the laws as to the sale of intoxicating drinks in beer-houses and public-houses should be assimilated, and that the authority administering the law should be uniform, and should be such as to secure a prompt, pure, and faithful enforcement of the intentions of the legislature. The grand jury venture to say that no graver question of domestic legislation awaits the action of the executive government.'

To explain more clearly the injury done by the beer-houses, I would wish, first, to give some evidence of their present harmful condition, and of the very small hold which the law has upon them, and then to explain their effect upon the public-houses holding a magisterial licence.

In the words of the late Under-Secretary of State—'It was proved before the Committee of 1853-4 that beer-shops were places where thieves met, where stolen goods were disposed of, where burglars planned their attacks, and where poachers and sheep-stealers associated before starting on their expeditions.'

In this town (Bradford) there were, last year, 240 beer-houses, and in 27 of these prostitutes were regularly kept, while 10 of them had brothels attached to them.

In Leeds a deputation from the Beersellers' Association stated that very many of the keepers of beer-houses in that town were driven, by the excessive competition among them, to resort to improper means,

such as gambling and prostitutes, to gain custom. That, in fact, many of the inferior class of beer-houses either were brothels or were nearly connected with them; while, as a proof of the open impropriety of the beer-house keepers, I may add that in Leeds the number of convictions for offences against the tenor of their licences was, for 1856-57, nearly double that of the publicans.

In Liverpool, in the year ending October, 1859, there were convictions obtained against 70 publicans—under five per cent. of their entire number; whilst against beer-houses the convictions were 428, being over 50 per cent. of their number.

But these figures do not at all adequately express the results of the beer-house system. It is better told in the reports of jail chaplains, the experience of large employers of labour, and the confessions of criminals.

I have beside me the melancholy reports of more than forty jail chaplains, given in evidence before the Committee of the House of Lords, and their tenor is well illustrated by one of their number—the Rev. John Clay. He says—'I believe it is impossible for human language to describe the misery and wickedness added to the previous sum of our moral and social ill by beer-houses.'

The evil effect of the beer-houses upon the formerly existing public-houses is most deplorable. Competition for the most lucrative part of their trade has induced the adoption of numberless immoral attractions, while the ready alternative of a beer licence has removed the fear of falling under magisterial censure, and of the withdrawal of the magisterial licence.

I give two instances out of many. The first is in evidence taken before the House of Commons respecting a public-house in Birmingham. The magistrates, says the witness, gave 'special notice to a certain publican that he had bad company in his house, and at last they stopped his licence. What did he do?—he went to the excise-office and took out his licence, and snapped his fingers at the magistrates, and carried on ten times worse.'

It is important to observe that the control of the magistrates over the beer-houses is so small as hardly to be worth having. A small fine is readily paid, while the penalty of removal of the licence, which would be felt, is almost unknown. The reason being that the licence is given to the man and not to the house; so that where multiplied convictions seem to threaten this penalty, the beer-seller can, at any time, drop his own licence, take out a new one, in the name of a brother or agent, and start again, *de novo;* or if, by any means, his house is closed, he can begin again in the same street, even at the next door, with impunity.

But, indeed, the numerical statistics of the drinking houses speak most forcibly even without comment.

There are no less than 108,000 drinking houses in England and Wales, being 62,500 public-houses, and 45,500 beer-houses, being 1 such house to every 31 houses throughout the land—with a still larger proportion in the towns (as in Manchester, where there is 1 to 21 houses).

This proportion is about double the proportion of bakers' shops, and almost double that of the butchers in the country. It is a supply which no one can conceive to be commensurate with the natural requirements of the population, and must in itself alarm those who duly consider the influence of opportunity, the weak moral power of our lower classes, and the danger of excess.

We may say with Shakspeare :—

> O opportunity, thy guilt is great;
> 'Tis thou that execut'st the traitor's treason,
> Thou sett'st the wolf where he the lamb may get:
> Whoever plots the sin, thou 'pointest the season;
> 'Tis thou that spurn'st at right, at laws, at reason,
> And in thy shady cell, where none may spy him,
> Sits sin, to seize the souls that wander by him.

I have now shortly glanced at the history of the Beer Bill of 1830, and have shown its evil results on the morality of the population. No measure was ever more universally condemned—even its chief originator having admitted that the competition has produced injury instead of benefit. The ordinary conclusion from such arguments would be that the measure should be speedily rescinded—but, unhappily, a fresh difficulty arises in the strong confidence with which many minds regard the operations of the natural laws of supply and demand, and the dislike with which they, as advocates for free trade, view any increased restriction upon commerce of any kind.

In respect to the beer trade, I think a threefold reply may be given to their argument.

1st. That we admit fully the invigorating effect of free trade, in the rapid increase of all commerce to which it is applied, and that this very conviction makes us the more deprecate its application to the commerce in intoxicating drink.

2ndly. That we believe in the force which opportunity gives to temptation, and we uphold the right of a civilized community to restrict the opportunity, and thus to protect its weaker members from the temptation.

3rdly. That the Beer Bill was almost a free trade measure, and that it has been an egregious failure.

For these reasons we think that some licensing authority is required, and we cannot see any other body than the magistrates on whom to lay this responsibility.

Admitting fully the inconsistencies of magisterial action, and the unworthy motives which have, in individual cases, manifested themselves, I still see no other existing authority to substitute for them.

One great excuse for laxity on the bench would be removed if the alternative of the beer licence were no longer open to the man who was refused a magisterial licence, while, at the same time, it is fair to count to some extent upon the increased influence of public opinion upon public functionaries. Responsibility should ever accompany power, and, as the magistrates are already entrusted with the punishment of crime, let them be accountable for the nurseries of crime also.

I conclude by giving a short statement of the Parliamentary action already undertaken on the subject of beer-house regulations.

The report of the Parliamentary Committee of 1854 has been already referred to. In 1857 Mr. Hardy introduced a Bill whose main object was to repeal the law of 1830, in so far as the excise licence was concerned, and to place the licensing power in the hands of the magistrates. This Bill, though supported by a great number of petitions, unfortunately encountered the opposition of the Government then in power, and was defeated by a small majority.

In 1858, one influential deputation urged upon Mr. Walpole (then Home Secretary) the importance of the question, and understood from him that the Government would themselves take it up.

Subsequent occurrences prevented this conclusion, and after the late change of Government a deputation saw Sir George Cornewall Lewis upon the same subject.

Here for the present the matter rests, and we look forward with hope and anxiety to next session, and to the avowal which will then be made of ministerial policy. Solely desiring the redress of a grievous and acknowledged abuse, we shall reverence the statesman who will not only admit its importance, but will also set himself in earnest to its amendment.

The Criminality of Drunkenness, with the Consequent Rights and Duties of Society in regard to the Criminals. By the Rev. WILLIAM ARNOT, D.D., *Glasgow.*

THE subject of drunkenness and its effects, is in this country, at the present day, beyond question the greatest that can fall within the domain of Social Science. This vice, in conjunction with its immediate and necessary fruits, is obviously and notoriously the sorest social evil that oppresses our population. It meets the philanthropist on every path of benevolence. It presents barriers to the amelioration of society, which often make the stoutest heart melt and flow down like water. Nothing practically tends so much to crush hope in all who endeavour to heal the sores of the body politic.

Moral character and material effect are the two constituent elements of crime. With a view to a sound and judicious criminal legislation, an estimate of the moral turpitude of an act is as necessary as an estimate of the actual injury that may have been inflicted. I have long been convinced that the country suffers much in its highest interests through an inadequate appreciation of the moral guilt involved in the act or the habit of intemperance.

I would fain get an opportunity, through this Association, of calling the attention of my fellow citizens to the true nature of this vice in its moral aspect, and of pointing out the lines on which, as it appears to me, legislation should be directed, with the view of immediate punishment and ultimate cure.

I propose to consider how the act or habit of inebriation affects the responsibility of the inebriate—his responsibility to God for sin, to society for vice. On the one hand, a vague but potent and widespread impression is cherished in the community, revealing itself in current forms of speech, to the effect that a man is not at all, or not fully responsible for what he does while he is drunk. There is much on the surface, and in the first aspect of the facts, to produce and maintain such an impression. By common consent an idiot or a madman is not held responsible for his actions, and the drunken man is for the moment an idiot or mad. It is an easy and a natural process to transfer to the one madman the irresponsibility which we are accustomed to attach to the other. We shall afterwards see wherein this popular impression is really correct and wherein it errs; but meantime it is the fact that such an impression largely prevails. On the other hand, we have copious argument, and even eloquent declamation, both by theologians and civilians, against this loosely-formed popular idea. Divines and lawyers are equally zealous in denouncing it. They argue that the drunkenness of the doer is no palliation of his evil deed, whether as a sin against God or as a crime against society. The divine teaches that when a man takes away a neighbour's life in the delirium of drunkenness, the guilt of murder attaches to the deed as much as if it had been committed in sober malice. Judges on the bench are careful to initiate the culprit before he goes to the gallows into the same doctrine, that his senselessness by drink when the deed was done in no degree lessens its criminality. Some, finding it hard to get the doctrine practically accepted, make a merit of contending for it in all its breadth and baldness. But in the meantime, the fact that it is elaborately defended and enforced is sufficient evidence that a tendency to doubt or ignore it has possession to some extent of the popular mind.

When the doctrine of responsibility for deeds done under the influence of inebriation is inculcated in its absolute form, the understanding of the listener suffers violence. On the one hand, how can he believe that the piece of animated clay who kills his wife with the poker at night, and weeps when he is told of it in the morning, is as much guilty of murder as if he had done it with all his senses about him. And, on the other hand, it would obviously be dangerous to morals and the public weal to admit a shade of doubt as to the full responsibility of the criminal. The public mind, whether the public perceive it or not, is in a strait betwixt these two. Practically on this question the public is like the double-minded man, who is unstable in all his ways. In point of fact there is neither a thorough belief nor a thorough disbelief in the mind of the community as to the responsibility of a drunken man for a crime done under drunkenness.

We account it false in principle and mischievous in practice to make, however tacitly, a sort of compromise between these two. To compound with both sides, by yielding a little to each, is neither a true nor a safe method. To account that some responsibility attaches

to the drunkard for his crime, but not its full amount, is neither correct in philosophy nor safe in policy. We think we can perceive a method of satisfying both principles to the uttermost—a method of reconciling them so as to permit them both without collision to go to their utmost length—as two trains may run safely in opposite directions where a double line of rails has been provided. We can allow that the drunken madness, according to its degree, removes responsibility as completely as any other madness, and yet hold every evil-doer guilty to the full extent before God and man for every evil deed of his life.

In the mania of drunkenness, as it appears in actual life, there are, of course, all possible degrees, from the lowest to the highest point in the scale of derangement. If we fix the principle in connexion with the most fully developed instances, it can easily be applied, with appropriate limitations, to other and lower degrees. We assume as a postulate that will probably not be questioned, that men are often by drink temporarily rendered as unfit to judge of their actions as lunatics ordinarily are by their insanity. The severer cases of drunkenness present as complete a dethronement of the reason for the time as that which permanently exists in the patients of a lunatic asylum. A man, when very drunk, is for several hours positively as unable to form a mental judgment between right and wrong as a confirmed maniac. As a general rule, too, the madness in both cases springs from the same immediate cause—an abnormal condition of the brain. I give here the best judgment I am able to form from my own observation; but my argument does not depend on the strict accuracy of that judgment. If the temporary drunken madness, even its greatest degrees, is, or is thought to be, inferior to other species of madness in its damaging effect upon the capacity for discerning between right and wrong, let a corresponding abatement be made from the conclusion. If, then, for the time you have in the two equal madness, and if the two left to themselves should commit equal crimes, is the one guilty and the other not? Observe, by the supposition, they were both at the time equally insane. We think it is more correct in principle, and more safe in its practical effects, to make the rule absolute, that total mental derangement takes all responsibility away; and partial derangement diminishes the amount of responsibility according to the degree of the insanity, and without respect to its kind. It introduces confusion to represent that one insane man is responsible for the deed done under insanity and another insane man is not responsible, because of some difference in the causes which produced the derangement. It is safest and easiest to hold to the principle that insanity affects or removes responsibility, according to its degree, and without respect to its species. This is at least a simple principle, easily understood and easily applied. It does neither more nor less than acknowledge absolutely that a man whose reason was in abeyance knew not what he did. We would venture to lay down the rule, and leave it unbuttressed, to meet alone and unaided all cases that can possibly occur;—Responsibility for an act done is as the reason

then possessed by the doer; the responsibility is full, partial, or null, according to the reason possessed at the time by the agent.

It is impossible to maintain or apply a theory of responsibility which shall rise and fall according to the kind of insanity, irrespective of its amount. One man becomes mad by excessive intemperance, and his madness lasts an hour. Another, from certain circumstances, remains twelve hours under the affliction. A third has, by continued drinking, brought on a madness of equal intensity, that does not subside for a week. A fourth has, by a similar course, laid himself aside in an asylum for a whole year. A fifth, by drunkenness, has so fixed the disease on his brain that he is confined under it for life. Nor are these all. Yet a sixth man, who has no appetite for intoxicating drink, has brought upon himself the same degree of madness by another form of vice. A seventh has done the same by the raging lust of covetousness, and that lust disappointed of its prey. If the degree of madness be in all these cases alike, which it may be, and often is, on what principle will you hold a man responsible for a deed committed under madness when the malady lasted an hour or a day, and absolve him as irresponsible when the malady, alike caused by his own sin, lasts a year, or for life? If a man make himself mad by drink in the evening, and kill his neighbour during the night, he is hanged for it. But if he has made himself mad by drink ten years ago, and in consequence kills his keeper in the asylum, nothing is done to him beyond a stricter surveillance for the future. In Perthshire, a few years ago, a man, with his intellect so damaged, killed his brother in his sister's house, and when charged with murder was acquitted on the ground of insanity. He now lives a burden on the community. This difference in the treatment of the two cases may or may not be necessary for the safety of society. On that point at present we are not called to pronounce an opinion; but as to the question of moral responsibility now before us, how can it be defended?

By a course of excessive drinking years before he had injured his brain organically, and so had made himself insane for life. In this condition he murdered his brother. Surely, in God's sight he was as much guilty of murder, or as little, as if he had damaged his brain by drink on the evening before, and committed the same deed before the pressure went off in the morning. The mere interval between the self-destruction of the restraining mind and the physical commission of the deed of blood cannot change the moral character of the action in view of the Omniscient Judge.

Here we shall be met with the question, how can the honour of the divine law and the safety of the community be secured on these terms? It will be said that to hold the drunkard not responsible for his deed done under the mania of intoxication will dissolve the very foundations of society. Accordingly we shall here explain how our principle would conserve and sustain both public morality and public safety.

Our principle lifts the responsibility from the maniac, but does

not remove it from the man. You must carry back the guilt till you reach the intelligent cause of the evil, and leave it with all its weight there. If the man himself, who in madness has done an evil deed, was once intelligent, and caused his own madness, the guilt was contracted when he destroyed his reason. A man drinks all the evening, quarrels with his comrade at midnight, and in the quarrel sheds that comrade's blood. The guilt lies on the man who, being sober and intelligent, made himself drunk and unintelligent. He is guilty not merely of the indiscretion of taking too much drink, he is guilty of his brother's blood. The deprivation of reason by his own hand was the really guilty act, and the guilt of murder lay in it. The crime that followed, in so far forth as reason was actually in abeyance, was the unconscious consequence of an act already done. A Guy Fawkes might light a train calculated to burn an hour before it produced an explosion. That train might fire a mine over which stood, innocent and unconscious, a thousand men. He who lighted it might be at a distance. He might die, and be in eternity before the explosion took place, but he was guilty of the blood of all these, and the blood of all these would ooze through earth, and trickle into the pit, and find him out in his 'own place,' and lie a makeweight in his curse. It is in the act of drinking to intoxication that a man fires the match. The other end of that match is dipt in murder; and when once fired, he cannot extinguish it. It will run its course.

Perhaps you could understand this point more clearly if we suppose, for a moment, that the act producing inebriation is done by another. Two men meet you in a solitary road; they seize you, and by force, against your will, pour down your throat a liquor which has the effect of paralysing your reason, and leaving the animal powers inflamed and quarrelsome. In consequence of this you fall out with a neighbour, and injure him. The deed is evil; but in so far as your reason was overpowered by the draught, the guilt is not yours. It belongs to those who violently took the controlling reason away from you.

Should any one say, 'All very good as an interesting speculation in the science of morals, but is the distinction of any practical value?' we are prepared to answer its uses are manifold and great. For its own sake, as an idea, it would not be worth the pursuit. We follow it for its practical results. We shall now show what these results are:—

1. It magnifies the sin of intoxication, whether the isolated act or the confirmed habit, and by so much strengthens the motives to sobriety. Morally and economically this nation suffers deeply from the lightness with which that sin is viewed and treated, both by those who commit it and those who look on. In the public opinion it is scarcely regarded as either a sin or a crime. Even where it is so regarded, the impression is trivial, and the prevailing tendency is either to slight blame or actual merriment. That view of responsibility which we have submitted will, in as far as it is adopted, take all the levity out of the subject. When the deed of blood is done by the hand of an inebriate, we would turn from the resultant deed to

the causal drinking, as we turn from the axe or pistol to the assassin who wielded it. We would fasten the guilt of the resulting crime on the indulgence which generated it. Thus would intemperance stand before the bar of the public charged with murder. In so far as this idea can be lodged in the public mind, it will tend to deter from drunkenness. We do not, in point of fact, succeed in getting full conviction of responsibility lodged in the minds of the people while we point to the act of the inebriate. There is something within men's breasts ever whispering the palliation that he knew not what he did. We shall get the responsibility all brought home when we lay it on at the right place.

While the public opinion and the public law point to the act of making oneself drunk as a very light thing, and to the crime committed under the influence of drunkenness as a very wicked thing, their strength is spent in vain. It is a giant beating the air. This public opinion, professing to touch a man and restrain him from evil, bears lightly on the point where it can be effectual, and heavily on the point where it cannot be felt. It says strongly to the drunk, Beware of murder; but lightly to the sober, Beware of drink. At the point where the reproof could be taken, the reproof is slight; where the reproof is heavy, there is no feeling, and all is lost. While the man can heed, you give him no warning worth heeding; when he is incapable of giving heed, your weighty warning is thrown away.

2. Another practical effect which would result from the prevalence of our principle is, that the men who madden themselves by drink would be held guilty of crime against society as well as sin against God, although, in point of fact, the fit should pass off, and no deed directly injurious to a neighbour be perpetrated during its continuance. No thanks to the madman if, in any given case, the madness subside before it has produced a tangible crime. He might have done much evil while his reason was in abeyance, and he is responsible for evil which he might have done.

This principle is recognised in civil and criminal jurisprudence. A merchant has stored a ton of gunpowder in his shop for one day and one night. Next morning it has been all sent off in small parcels. It has been distributed in safety to the last pound. The fact is discovered by the officers of law, and the merchant is prosecuted. He pleads, and pleads truly, that the act is past, and has done no injury. His plea is of no avail. He is convicted and punished for the injury which his act might have done to himself and his neighbours. In many forms our laws acknowledge and stringently enforce the principle that a man is not at liberty to risk the personal safety or property of others. A risk can be valued as well as the actual destruction of property. In a thousand ways it is so valued every day, and paid for or punished according as the matter comes under civil arrangement or criminal law. If the risks to which drunkenness exposes men and things were accurately calculated, and the drunkards imprisoned or fined accordingly, prison walls or empty pockets would soon compel them into sobriety.

Take two men equally capable of bearing strong drink, and equally quarrelsome when under its influence. The one takes as much as suffices to discharge reason, but leaves him in possession of considerable muscular power; the other takes one glass more, which, in addition to the collapse of reason, destroys the contractile energy of the muscles, and renders him incapable of moving a limb. The first goes home on his own feet, and cruelly beats his wife and children; the second is carried home on a barrow, and thrown down on the floor, where he lies like a log till the morning, and then weeps at the discovery of his shame. In this case, one man committed a great crime in consequence of his drunkenness; the other, in consequence of his drunkenness, did nothing more than lie on the floor all night, and cry like a child in the morning. The first is punished as a criminal; the second is not even charged with any crime. Yet the last was the guiltier of the two. The actual harmlessness of his conduct was the direct result of his having taken more drink than his companion. He who committed, in the eye of our law, the least crime was really the more guilty. He went greater lengths in that which constituted the real essence of the guilt—the act of dementing himself. In his case the mother sin did not actually produce this murderous offspring. It came to the birth, and there was not strength to bring forth. The lucky barrenness, however, was caused not by the shortcoming, but by excess of sin.

I know a woman who has been thirty years united to a husband. She has borne 18 children; 9 of these survive. Some have, by their good character, risen to respectable positions in society. This woman and her children for many years were in the habit of marking two different ways of the husband and father's home-coming. If they heard him staggering up the stairs on his own feet, they trembled for their lives; if they heard his companions carrying him in, they were glad, for he was not able to beat them.

3. But the most frequent form of crime, as the direct result of drunkenness, is self-murder. It might be thought an objection to our views that some men, when intoxicated, owing to an idiosyncrasy, partly moral and partly physical, are mild and harmlessly idiotic, and that consequently inebriation in their case does not involve the guilt of other crimes as its natural fruit. In their persons, as on a peculiar soil, the seed of inebriation does not produce and mature the darker crimes. The ground on which this objection is made to rest is, to a large extent, true in point of fact. Some drunken men, when drunk, can never have enough of shaking hands, not to speak of kissing. Some become very religious, and vent their piety in floods of tears. These soft subjects, we grant, do not often take their neighbour's life; but they frequently lose their own. On this account, although the ground assumed is in a great measure true, the objection founded on it is not tenable. As self-murder is by far the most frequent form in which a fatal effect follows drunkenness, and these melting spirits are at least equally liable to fall into it, their good humour detracts very little from their criminality. Multitudes whom no man can number are thus killed by their own act. A continual shower of newspaper paragraphs falls,

summer and winter, across the land, intimating violent deaths through drunkenness. And besides these, another multitude die by the same cause, whose names never appear in the newspapers, simply because their death comes less suddenly. One of the saddest features in the aspect of society is the apathy with which these are regarded. In one town tender children are supplied with drink in three different public-houses until they are gathered up senseless from the mire. In another a wretch gets as much as he has money to pay for, and is then left on the floor to sleep it off. Some hours after he is found stiff and cold. His mouth had been pressed so close to the boards that he had been suffocated in his sleep. These, and thousands of similar dark deeds, are done in the shops of the publicans; and yet the publicans vote, and agitate, and claim, and get no little sympathy, because they are compelled to shut their doors by night and on the Sabbath. To take away one's own life is a crime of the deepest, darkest dye. It is an offence against society as well as a sin against God. A man is going home drunk in the dark; he stumbles into a ditch, and dies in its bottom. Did this man commit self-murder—yea or nay? He thought when he leapt into the ditch that he was stepping upon a firm foot-path. This was the best judgment which, with his damaged faculties, he was able to form. When in, he made an effort to rise and save himself. Marks of a desperate struggle are manifest on the slippery sides at the spot where the stiffened body lies. He put forth his little all of strength, and yet failed to raise himself from a rut out of which a child could spring, because his eyes were filmed, and his muscles relaxed, by the pressure of alcohol upon his brain. At the moment of falling into the ditch, and after he was in, the man did the best he could to preserve his own life. He did not murder himself then, when he fell there and lay there. But he did murder himself when he sat in the public-house, and poured ardent spirits into his stomach. Then and there the deed was done. Then and there the same deed was done by a dozen others, who all got safely home because there was not a ditch in their way big enough to hold them, or because, being unable to move, they were carried home in a cart. The rest, if they made themselves as drunk, did the same deed; but his deed was self-murder, and such also in the measure of its guilt was theirs. The man who, by intoxication, destroys the power which God has given him of preserving his own life in difficulty, is guilty of throwing that life away. The verdict of accidental death, so often recorded on these occasions, is a cheat upon the community, and a libel on the providence of God. When living men assemble in jury round the body of a dead brother, it is required of them by God's law, and the interests of society, that they speak the truth. It is time that we had done with this soothing lie. Died by his own hand is the right sentence to be written over the corpses of many thousands of our countrymen.

Such are some of the practical bearings of the view which we have ventured to propound. It concentrates responsibility upon a point where responsibility can be effectively felt. It ceases to beat the air by telling the drunkard to behave rationally: it addresses itself to

the man, and adjures him to keep himself sober, as he values the life of himself or his neighbour, as he fears God or regards man.

If it is said we do not propound our view to the drunkard; we do not speak to him at all; we speak to him when sober. We answer: It comes to the same in the end. You say to the man, when sober, take care what you do when you are drunk; don't be guilty of murder then, for your drunkenness will not diminish your guilt. The man goes away with the impression that a crime done in drunkenness is a crime, and therefore he will not commit it. He drinks his mind away, and then forgets all your advice. No doubt you also told him that he should not get drunk. But what I complain of is, that you—the public opinion—do not put weight enough into that advice. It is too lightly given. I am trying to stretch forward into the region of drunken murders, and bring thence a millstone weight, and throw it into the scale which presses on the consciences of men the warning that they should not become drunk.

As to the responsibility of society, then, for drunkards, the principles already laid down lead directly and necessarily to this inference as the practical result—that the eye and arm of public law should follow and fasten on drunkenness as the mother sin, instead of spending themselves in a bootless chase of her miserable offspring. By this it is not meant that we should permit the offspring enormities to escape, but that we should strike at the parent too, and so diminish if not destroy her progeny. The practical result of our proposal is not to permit the man who commits a crime while drunk to escape more easily than at present, but to visit also with appropriate degrees of punishment those who make themselves drunk, although they should not at the time commit any other crime.

The agitation about temperance and total abstinence, about legal limitation and legal prohibition, will not be lost. All this stir in the stagnant pool of old national customs will tell in due time. Ideas are being generated. Minds are quickened into courage. They will begin soon to throw off the despotism of antiquity, and think the matter out anew. I rejoice in the conflict—in the collision of mind with mind on these themes. Truth is great, and it will prevail. She needs a great deal of drawing: but by a long pull, and a strong pull, and a pull altogether, we shall pull her from the bottom of her well one day. A wiser view and a sounder practice will emerge yet out of the confusion.

We cannot go into details on this head. We shall content ourselves with reiterating our main principle, and defending it by two or three glances at notorious facts.

Make drunkenness a crime, and treat it accordingly. Aim at it directly in measures for prevention and cure.

A husband and father may have been twenty times outrageously drunk, and these twenty blows may have done more to bring his wife down to the grave than a blow with a lethal weapon in a brawl; and yet the law does not touch this drunkard—does not even look at him.

A man staggers along the street, a terror to every passenger, especially the feeble, the tender, the refined. If he does not break a lamp or a window, the law lets him alone. Give him sixty days for being drunk, and perhaps he may remember it the next time he goes into a public-house to get a dram.

A man is drunk, and falls into the canal or river. A sober neighbour with a strong arm and a compassionate heart is at hand. He rushes to the spot, and, at some risk to himself, saves the inebriate. The wretch is laid down on the bank to drip. The coolness has brought him to his senses; and he is soon able to rise and walk away home. The newspaper mentions the accident, but the law takes no notice of the crime. Why? Did he not endanger life to the very utmost. In the abstract it might be a worthless life, but relatively to his family and society it was valuable. Did he not all but murder a father, and throw a mother and her children helpless paupers upon the charity of the world. How can you hold up your face if you punish the grocer who keeps too many pounds of powder in his shop, and let this man go?

An acquaintance of mine—a shoemaker in a mining village of Ayrshire—has been a hard drinker for thirty years. His mind now is reduced to a species of childhood. His great manly features are covered all over with old scars, the result of many an ignoble battle with his demon. The thirst comes over him at times with such power that it carries all before it. He rushes along the street of the village screaming and dancing in agony till some one gives him a dram. Some youths found him in that state one day, and promised him sixpence to buy whisky on condition that he would wade across the river at a spot which they pointed out. On the instant the shoemaker closed with the terms. He would have agreed for the same reward to storm the Malakoff alone. He went to the spot, and, accoutred as he was, plunged in. The river was in flood: the place was deep, designedly so chosen. The youths congregated on the bridge to overlook the sport. Oh! if the blind Samson had gotten a momentary strength to pull down the pillars whereon the bridge rested, it would have been a just judgment on these young Philistines. The poor fellow struggled through, as drunken men sometimes do, in some inexplicable way. He got his sixpence, drank the whisky, and walked home in his wet clothes to his wife and daughter. That wife, in his presence, pointed to the sickly daughter, and said to me with a scowl, 'He has been the death of that girl, sir: she is dying, and he is her murderer.' Meantime the law looks on in completest apathy.

Crimes, the immediate fruit of drunkenness, which destroy life and property have increased gradually in this country, until they have reached an enormous amount. The proportion which they bear to other classes of crime is also appallingly great. Meantime, while much has been said and written on the subject, scarcely anything has been done to meet the evil by improved methods of prevention and punishment. We are losing property every year to an amount uncalculated, incalculable. We are losing human lives by many

thousands, yet nothing effective is done by the nation to arrest its destroyer. Common sense, self-interest, and mercy, all unite here, and call upon us with a voice like the sound of many waters, to arise and stay this plague.

I shall briefly indicate three lines on which a legislative effort might and should be made.

1. Increased restrictions on the traffic. It is high time that we should clear our eyes on this vexed question. Patriotic appeals to English liberty and free trade are now too late. They are out of place. By acquiescence in the present laws we preclude ourselves from the use of all such arguments. Already restrictions are laid on the traffic, because of its dangerous character, and for moral and police purposes. The principle is conceded. There remains only a question of degree. If you oppose any specific degree of restriction on the ground of free trade, you must go the whole length, and claim that the trade in gin and whisky shall be made as free as the trade in bread and milk.

I do not complicate this question here by indicating a preference for any particular measure. In the mean time some valuable materials of judgment may be obtained in the Report of the Commissioners now engaged on the subject in Scotland.

2. Much more stringent laws are required for the punishment of the crime of drunkenness as such, and without respect to its consequences or accompaniments. I understand that in England the crime of drunkenness by itself is to some extent punishable. In Scotland I think it is not. There must be some accompaniment—such as drunk and disorderly. This is trifling with the dearest interests of society. You protect us from the less, and leave us helplessly exposed to the greater injury. I would rather—if a selection must be made—be left to defend my house or shop as best I could, and let the police, if they can, protect my property from the risk, and my wife from the alarm, and my children from the contamination, of deeds of drunkenness. The injury done to society by an act of inebriation is very great: the punishment is trifling, or nothing at all. If Wombwell should habitually leave the doors of his caravans open, and wild beasts be met prowling night after night in the streets, actually injuring one here and there, and frightening thousands, the arm of the law would effectually interpose. Why should the law not interfere when the same injury is done by men changed into wild beasts by their own wickedness?

3. The law is miserably behind the age and the circumstances in dealing with confirmed habits of drunkenness. The law of lunacy does not apply. In desperate cases it is sometimes tried, and it fails, to the great loss of all concerned. The wigs of the judges in Scotland were greatly shaken lately by a storm which arose in this quarter. The wife of a drunken proprietor obtained a warrant for the confinement of her husband as a lunatic. He was a maniac, but his ailment was of the species dipsomania, and cold water within stone walls soon wrought an effectual cure. He prosecuted his wife

and all parties concerned for unlawfully depriving him of liberty. A sort of compromise was arranged, and he was set free. I can give the details of another case which fell immediately under my own observation, in which a young man was five or six times confined in a lunatic asylum within the period of as many years, and died of drunkenness at last. That young man, and his mother too, were victims, first, of his own vice, and secondly of miserably defective laws. The warrant for the restraint of a lunatic lasts only three months. If the certificate of continued mania is not renewed, there is no power to retain the patient under restraint. This young man, in every case, had regained his senses long before the expiry of his quarter. In every case he was liberated at the close, and in every case drank himself mad again, as helplessly as if he had been a brute guided only by instinct. Thousands of valuable lives would be saved, and restored to society, if there were a law enabling the magistrates to confine the confirmed inebriate for a sufficient period to complete the cure. And, even in incurable cases, humanity to the patient, and the interests of a tortured family, and downtrodden community, alike demand that this species of maniac should be permanently restrained.

In the State of New York an asylum for inebriates, on a large scale, is now in process of construction; and, according to a report recently issued by the directors, two thousand eight hundred applications for admission have already been lodged.

A law, parallel with the law of lunacy, for the custody and care of dipsomaniacs is imperatively demanded. It would be necessary to erect buildings for the purpose of carrying the law into effect. These, if erected in adequate numbers, would rear their heads as high and as thickly, in the first instance, as our lunatic asylums; but the expense of keeping the maniacs within stone walls would be trifling when compared with the expense now incurred of keeping them at large committing havoc on all the interests of society.

On Certain Causes tending to the Increase of Crime. By Frederick W. Grauhan, *Chief-Constable of the Borough of Bradford.*

The causes treated of are as follow:—

1. The evil effects of locking up persons of all ages indiscriminately at police-offices.
2. The facilities afforded to reputed thieves for plundering the public.
3. The Criminal Justice Act.
4. Ticket-of-leave system.
5. The low scale of allowance to witnesses, &c.

1. I consider it a bad plan to lock up all persons indiscriminately together during the day or night, which is the custom at most police

stations. The pickpocket, burglar, drunkard, beggar, persons charged by warrants for various offences, all mix together; and many a poor boy who has been locked up for his first offence meets there with thieves, who initiate him into the art of thieving, and who, when he comes out of prison, meet him, claim acquaintance, and introduce him to their companions. Several thieves are locked up every night on suspicion of committing offences, and are frequently discharged when brought before the magistrates, which gives them an opportunity of persuading many persons, who have committed their first offence through want, to join them.

2. One of the chief causes of the existence of so much crime in this country is the facility which is given to thieves to follow their nefarious practices at railway termini, upon the arrival and departure of trains, and by their being allowed to prowl about the streets at all hours of the night.

Unless they are detected in the act of committing a felony, the police can only watch their movements; the thieves are aware of this, and only commit offences when they are certain there are no police at hand.

The worst offences are committed by night, such as garotte cases, burglaries, &c., by thieves who have been several times convicted of felony, and who are more expert and experienced every time they come out of prison, and who also hear from their fellow-prisoners, while they are in the lock-ups, their histories in crime, and profit by it, by endeavouring to remove beyond doubt the possibility of any identification of articles or goods they may steal.

When thieves garotte persons, it is solely to prevent themselves from being identified, that they invariably make the persons insensible before they rob them, which sometimes ends fatally. You seldom hear of a case where the person robbed is able to identify the attacking parties: it is generally the property that is traced to them, or they are identified by persons who see them leave the spot.

3. Since the passing of the Criminal Justice Act, which gives magistrates power to dispose of cases without sending them to the sessions, we find an increased influx into the towns of the West Riding of thieves who commit petty offences, and who, when brought before the magistrates, as nothing is known of them, are dealt with summarily. As soon as they arrive at Wakefield House of Correction, they are at once recognised as old offenders; and if they had been committed for trial, former convictions would be proved against them, and the country would be rid of them for a time, instead of their being again let loose upon society after a few weeks' imprisonment.

4. Noted thieves when in prison are always very obedient; they know jail discipline thoroughly, and the warders have very little trouble with them. They do their work well and cheerfully, are very attentive at school, and during divine service appear to pay great attention to the Scriptures; and when in their lonely cell they get accustomed to every foot that approaches, they can tell by the sound the warders from the governor, and the governor from the chaplain.

When they hear the chaplain coming they are generally found with their Bible, and appear very penitent; when they have an opportunity they tell him that they have repented from their evil ways, with such an imploring look, that the chaplain really believes there is some hope for their reformation. The whole ends in this,—that by unremitting diligence, perseverance, and hypocrisy, the convict succeeds in getting his ticket-of-leave, without any recommendation in his behalf further than what he obtains from the officials of the prison. When convicts obtain their ticket, they inform their old companions how they managed to get out of jail, and all resume their usual habits with increased experience, until they are again laid hold of by the police for committing some offence, and sent back to their old quarters.

There are persons of previous good character who are transported, or sentenced to penal servitude, for embezzlement, forgeries, &c., who have never before been in prison, do everything with an ill grace, and are frequently found fault with: they consider prison discipline very severe, and do not pay that attention which convicted thieves generally do; the consequence is that they have to remain longer in prison. When petitions are presented at the Home Office, inquiries are made at the prisons as to the conduct of the prisoners while in jail, and if a favourable account is not received from the governor, no notice is taken of the petition.

5. Witnesses attending the assizes and sessions complain of the low scale of allowances, and I believe this to be the reason why so many offenders escape, as it is extremely difficult to get parties to attend to give evidence. If the property stolen is not valuable, many owners decline to identify it, because they would lose more by attending to give evidence than the property is worth. Again, when informations of robberies are sent from one police force to another, the same exertion is not made now which used to be, when constables were allowed second-class fare when travelling. Unless a reward be offered for a person's apprehension, one seldom hears of his being apprehended at a distance from where the offence has been committed, and yet the offender's name appears in the *Police Gazette*, which is taken in every police-office throughout the country. It often occurs that robberies are committed at night, by thieves getting over walls or gates, where the police have no access, and before the robbery is found out, the depredators are perfectly safe in another town, where they dispose of the stolen property; and thus they visit many of the largest towns without being detected. It is my opinion that if police officers were allowed second-class fare, and witnesses were allowed reasonable expenses, so many offenders could not escape.

In conclusion, if the separate system of imprisonment were adopted in lock-ups—

If the Legislature were to pass an Act of Parliament giving the magistrates power to commit as vagrants reputed thieves who are found lurking about in the night, thieves would be obliged to find employment, whereas now they find it more profitable to plunder. And if the police were allowed to bring in all reputed thieves who

have no means of subsistence, and cannot give a satisfactory account of themselves, and who prowl about the streets with prostitutes (who also may have been convicted of felony, and are to be found the whole of the night, seldom going to their lodgings until they have robbed some one), these individuals, who are a pest to society, would no longer be able to live sumptuously upon the unwary public. At present the police or the magistrates have no jurisdiction, unless a person is actually caught in the act of committing a felony. If such offenders were sent to prison for one month, whereby they would be compelled to reform their habits, and to work for their subsistence—

If the Criminal Justice Act were limited in application, so as only to affect persons residing in the locality—

If the ticket-of-leave system were only applicable to persons of good character previous to conviction, and

If the recent regulations affecting allowances to witnesses, &c., were modified—

Then the expense and difficulties of administering justice would be much diminished, and the security of life and property would be much increased.

On the Reformation or Recommittal of Offenders. By EDWARD SHEPHERD, *Governor of the House of Correction, Wakefield.*

IN this inquiry into the reformation or recommittal of offenders, I purpose to classify the causes or conditions which appear to me to bear on this subject into six divisions.

1. *Prison Discipline.*—Has a good prison discipline any deterring influence?
2. *Ages of Criminals.*—Do criminals return to prison at one age in a greater ratio than at another?
3. *Offences of Criminals.*—Has the nature of the offence any influence in causing a return to prison?
4. *Length of Sentences.*—Are long or short sentences most corrective?
5. *Education of Offenders.*—Has the education received previous to committal any reforming influence?
6. *Reformatories or Refuges.*—A few remarks on the effects already observable from these establishments.

The details which I now lay before you refer solely to the West Riding House of Correction at Wakefield, and are collected from my personal experience there as Governor now for nearly thirty years.

During this period three different systems of prison discipline have been in operation—The unrestrained communication, if that can be called discipline; the silent system; and the separate system.

I think it desirable to give a short description of each of these

systems, and to show the number and proportion of prisoners, under each, who were committed for a second offence to prison.

In 1823 an Act of Parliament, known as the Jail Act, was passed to ameliorate the condition of prisoners, and to remedy the gross evils of unrestrained communication. This Act, which in many respects was beneficial, proposed a system of classification, according to offences, as a remedy for the contamination of unrestrained communication.

The Act directed that prisoners should be divided into five classes:—

1. Felons 2. Misdemeanants	Before trial.	3. Felons 4. Misdemeanants 5. Vagrants	Convicted.

No selection was made between the young and the hardened offender if committed for the same description of offence. The unfortunate youth who had rashly yielded to a sudden temptation would be classed and would be in the same ward with the hardened burglar, the housebreaker, or the practised pickpocket, all being committed for one kind of offence—suspicion of felony. The adept who lived by passing base coin, the fierce brute who knew no control to his passions, the comparatively innocent man who simply neglected his work, or broke his neighbour's fences—were all misdemeanants, and all classed together.*

Fortunately, I need not enlarge on the frightful and disgusting scenes, and the vices of the old system, as all these have been so eloquently described by numerous writers, from the philanthropic Howard to the writers of this day, but I shall pass on to a brighter time—the introduction of the silent system.

In the year 1832 a report was published by two Commissioners—Messieurs De Beaumont and de Tocqueville, who had been sent out by the French Government to inspect the two systems then prevailing in the American prisons:—

The 'Solitary'—absolute and unmitigated solitude, as carried out at Philadelphia.

The 'Silent'—in force at the State prisons of Auburn, Sing-Sing, and Weathersfield.

This report attracted considerable attention in this county, and the Visiting Justices at Wakefield consulted me on the possibility of introducing this latter, or silent system, into the prison. Eventually, in December, 1833, it was introduced, and silence was made the rule of the prison. Under this system the prisoners worked together in large rooms under the inspection of warders who enforced the strictest silence. The largest room in the prison at Wakefield held 400 male prisoners of all ages and classes of offenders. The effect produced by the first entrance into that room was truly imposing. I have known the most hardened characters—men who protested that no power on earth should keep them quiet, or, to use their own words, should 'make dumb

* This Act, therefore, instead of remedying the evils of the old system, only confined them within a narrower circle.

beasts of them'—I have seen these men, whose violence nothing formerly had been able to restrain, on their entrance into that room subdued at once, overpowered and quelled by the very spirit of the silence. They felt the power that was able to keep so great a number of their fellow-beings in such subjection, that not one eye was raised to them on their entrance. They literally sank down into their appointed seats, and were as obedient as the rest.

As this was the introduction of a new and improved era in prison discipline in England, I trust the section will allow me to give the names of the four magistrates who were so greatly instrumental in bringing about so desirable a result. They were John Armytage, of Heath; Joseph Holdsworth, of Wakefield; Colonel Tempest, of Tong, who are all now dead. The fourth, and the one to whom I was most deeply indebted for advice and assistance in this arduous undertaking, is, I am happy to say, still living—the Rev. James Armytage Rhodes, of Roundhay, near Leeds.

The news of this revolution in prison discipline spread rapidly, and magistrates, governors, and chief officers of prisons from nearly all parts of England visited Wakefield to satisfy themselves as to its practicability, to learn its details, and in many instances they succeeded in carrying out the same improved discipline in their own prisons. This system was carried on for fourteen years, and ceased when the present new prison was completed and occupied. From that time, January, 1848, the separate system has been principally the rule.

In the separate system, each prisoner works, eats, sleeps, and lives in a separate cell, only leaving this cell to attend divine service, for exercise, or for instruction in the school. He is visited in his cell frequently by the warders and instructors, and periodically by the governor, chaplain, and surgeon.

Having given you as shortly as possible a description of each of the three systems of prison discipline, I will now read the results as embodied in this table.

A Table showing the effects of a Reformed Prison Discipline on the Recommittal of Criminals to Prison.

OLD SYSTEM.	Numbers.	Per Centage.
First known Committals to Wakefield Prison in the four years 1830-1-2-3, under the System of Unrestrained Communication	6,363	
Returned to Prison for a second offence	2,325	
Per Centage of Recommittals	—	36·5
SILENT SYSTEM.		
First known Committals to Wakefield Prison in the fourteen years 1834 to 1847 inclusive, during the time the Silent System was in force	28,627	
Returned to Prison for a second offence	8,207	
Per Centage of Recommittals	—	28·6

SEPARATE SYSTEM.	Numbers.	Per Centage.
First known Committals to Wakefield Prison in the five years 1848-9-50-1-2, during the time the Separate System prevailed . .	11,596	
Returned to Prison for a second offence . . .	3,087	
Per Centage of Recommittals	—	26·6

A return to prison within seven years from the date of the original commitment is in all these tables considered as a recommittal.

The most marked alteration, you will observe, is effected under the silent system, a decrease of 8 per cent. in the recommittals, and on the two systems a total decrease of 10 per cent. As there have been 40,223 persons committed for first offences between the abolition of the old system in 1833 and the year 1852, the difference between the old system and the new or reformed is a saving, from a return to prison, of no less than 4000 persons.

The next division to which I would direct your attention is the ages of criminals. 'Do criminals return to prison at one age in a greater ratio than another?'

A Table of the Ages of all Prisoners committed to Wakefield House of Correction in the five years 1848 *to* 1852 *inclusive, for their first known offence, showing the number who returned to Prison.*

	No.	Per Centage of Recommittals.
First known Committal of Juveniles under 16 years of age	581	
Returned to Prison for a second offence .	242*	41·6
First known Committal of Prisoners 16 years of age and under 21 years of age .	2777	
Returned to Prison for a second offence .	854	30·8
First known Committal of Prisoners 21 years and under 30 years of age . . .	4419	
Returned to Prison for second offence . .	1175	26·5
First known Committal of Prisoners 30 years and under 50 years of age . . .	3162	
Returned to Prison for a second offence .	699	22·1
First known Committal of Prisoners 50 years of age and upwards	657	
Returned to Prison for a second offence .	117	17·8
TOTAL.—Committed first offence 11,596		
Returned 3,087	Per Cent.	26·6

* Years in which these 242 returned to prison:—

Returned in the 1st year . .	110	Returned in the 5th year . .	10
,, ,, 2nd ,, . .	69	,, ,, 6th ,, . .	6
,, ,, 3rd ,, . .	28	,, ,, 7th ,, . .	2
,, ,, 4th ,, . .	17		
		Total	242

There is a progressive decrease in the ratio of recommittal, as offenders are of more advanced age, and the younger the offender is on his first commitment the greater the probability there is of his return to prison. I doubt whether I could advance a stronger argument in favour of reformatories, than that nearly one-half of the juveniles return to prison.

Another subject of interest connected with the ages of criminals is, an inquiry what proportion their committals bear to the whole population of the West Riding of like ages.

A Table showing the number of Persons living in the West Riding of Yorkshire at the undermentioned ages (excluding the Borough of Leeds, which has a Prison of its own), and the average annual number of Prisoners committed to the West Riding Prison at Wakefield for the first known offence, and the proportion of such Committals, compared with the population.

AGES.	Population as nearly as can be ascertained.	Average number of Committals per annum during five years ending 1852.	Proportion of Committals to Population. One to every :
13, 14, and 15.	78,959	116	680
16, 17, 18, 19, and 20.	114,533	555	206
21, 22, 23, 24, 25, 26, 27, 28, and 29.	166,870	884	189
30 to 49.	253,667	632	401
50 and upwards.	175,896	131	1342
Total . . .	789,925	2319	340

The greatest proportion of criminals are therefore of the ages from 20 to 30.

One criminal to every 189 of the West Riding population!

When one remembers that these population returns include the rich, the middle classes, and the well-to do, who are not likely to become inmates of a prison, one feels alarmed and confounded at the proportion of the poorer class of these ages who become prisoners.

The next division is the offences of criminals. Has the nature of the offence which a criminal first commits any influence in causing a return to prison?

A Table of the Offences of Prisoners Committed to Wakefield House of Correction in the five years 1848 *to* 1852 *inclusive, for their first known offence, showing the number who returned.*

	No.	Per Centage of Recommitted.
Committed on suspicion of felony who on trial were acquitted	570	
Returned to prison for second offence	92	16·1
Committed as reputed thieves	1743	
Returned to prison for second offence	470	26·9
Convicted of felony	2141	
Returned to prison for second offence	621	29·
Convicted of assault	1670	
Returned to prison for second offence	491	29·4
Convicted of offences under the Game Laws	385	
Returned to prison for second offence	103	26·9
Convicted of begging, neglect of family, and of other acts of vagrancy	2596	
Returned to prison for second offence	657	25·3
Sundry other minor misdemeanants	2491	
Returned to prison for second offence	653	26·2
Total—Committed during the five years	11,596	
„ Returned to prison	3,087	
„ Per Cent.		26·6

Here we notice that, with one exception, the offence has very little effect in influencing the recommittal; and I introduce this table to give you the subjects which have no influence on recommittals as well as those which have. There is, however, a gradual increase of recommittals in the case of felony according to the criminality. The suspected felon who is acquitted is the lowest; the reputed thief next, and the convicted criminal still higher, But if we are to judge by the recommittals, there are worse men than even the convicted thieves, namely, the men committed for assault, the men of fierce passions; they, as you see, are the highest in the list. The poachers, about the average, and the vagrants probably less than they would be, if it were not for their migratory habits.

The next division is an inquiry—'Are long or short sentences the most corrective?'

A Table showing the Sentences of Prisoners Committed to Wakefield House of Correction in the five years, 1848 *to* 1852 *inclusive, for their first known offence; also showing the number who returned.*

	No.	Per Centage of Recommittals.
SHORT—		
One month and under	7043	
Returned to prison for second offence	1876	26·5
MIDDLE—		
Above one month and under six, (generally 2 month and 3 month sentences)	2761	
Returned to prison for second offence	799	28·9

	No.	Per Centage of Recommittals.
LONG—		
Six months and upwards	788	
Returned to prison for second offence .	188	23·8
SUNDRIES—		
Acquitted—Examination and unlimited periods.	1004	
Returned to prison for second offence .	224	22·3
Total—Committed first offence . .	11,596	
„ Returned	3,087	
„ Per cent.		26.6

Here we observe that the middle terms, namely, the two and three months' sentences are the least deterring; nearly 29 per cent. of this division return to prison. On a former examination of the effects of sentences on prisoners committed twenty years ago I found the same proportionate increase in the recommittals of prisoners sentenced to the middle terms of imprisonment, showing that the effect was the same under both systems of discipline.

The prisoner, on his first committal to prison, is naturally depressed and restless. The discipline, the routine, annoy him, are a punishment to him.

In the second stage, or middle term, he is becoming accustomed to confinement, and does not feel the discipline as so great a hardship—his depression is wearing off—he stays long enough in prison to lose the early effect produced upon him, but not sufficiently long to form any good resolutions or fixed habits. The regularity of early rising by long continuance becomes a habit—cleanliness is in time pleasant and necessary—deep-rooted idleness, one of the chief generators of crime, is now a burden to him, and labour a pleasure. The regular and continued attendance at divine service must induce, even in the most hardened or thoughtless, a habit of thinking of something higher than the gratification of their own passions. All these habits become, by long-continued custom, difficult to break; and it is to be hoped and expected that many of them continue to act with purifying effects on the prisoner's after-life.

I now enter upon the fifth subject, namely, an inquiry to what extent education exerts an influence on the recommittals?

In this subject we naturally take a greater interest than in the preceding ones. The very object of our assembling here is to spread education, and I am glad to find the statement I have to lay before you presents palpable and hopeful results.

A Table showing the state of Education of Prisoners Committed to Wakefield House of Correction in the five years 1848 *to* 1852 *inclusive, on their first known offence, and showing the number recommitted.*

EDUCATION NONE—	No.	Per Centage.
Committed to prison for the first time. .	4077	
Returned to prison for second offence . .	1234	30·3

	No.	Per Centage.
READ ONLY—		
Committed to prison for the first time. .	2566	
Returned to prison for second offence .	716	27·9
READ AND WRITE IMPERFECTLY—		
Committed to prison for first offence . .	4722	
Returned to prison for second offence . .	1100	23·3
READ AND WRITE WELL—		
Committed to prison for the first offence.	231	
Returned to prison for second offence . .	37	16·
TOTAL—Committed during the five years .	11,596	
" Returned for second offence . . .	3087	
" Per cent.	——	26·6

What influence education may exert in preventing any committal to prison of course I cannot say, but it is evident it does exert considerable influence in the cure when once they are committed. In the *Judicial Statistics* for 1858, published by the Home Office, and compiled by Mr. Redgrave, with regard to instruction of criminals, he says: 'The proportion of the uninstructed and of those who have received the lowest amount of instruction, slowly but constantly diminishes before the general advance of education.' Yes; but how very slowly. Let us now inquire.

Out of the prisoners committed to Wakefield House of Correction in 20 years, there has been an increase of only 3 per cent. of those who have received any instruction. I hope some one will be able to inform us what was the ratio of increase in education amongst the public in these 20 years. If the increase be more than 3 per cent., to that extent education has prevented crime.

In my observations on Reformatories and Refuges I cannot pursue the same plan as I have done in the preceding divisions, as one cannot, until many years have elapsed, show the effects of confinement in Reformatories by the recommittals. Still I hope to show you that there are already some facts elicited to prove that Reformatory Schools are exerting a beneficial influence.

We have seen that long sentences in prison are the most corrective, and we may confidently expect that the long sentences and beneficial training in these Reformatories will have a still greater effect. Again, with reference to the ages, we find that out of 581 juveniles committed for the first offence, 242, or 41·6 per cent., returned to prison within seven years.

Of this number	110	returned	within 1 year	after	discharge.
"	69	"	2 years		"
"	28	"	3 "		"
"	17	"	4 "		"
"	10	"	5 "		"
"	6	"	6 "		"
"	2	"	7 "		"

Therefore, out of 242 recommittals, 179, or nearly 31 per cent., returned within two years.

The simple detention of these children for this length of time will be of great advantage, as it will remove them from their companions, will keep them out of the way of temptation, and will, by adding two years to their age, render them more able to resist evil influences.

I have before me a table of the juveniles committed to Wakefield House of Correction for the West Riding, for their first offences (excluding the borough of Leeds), since the year 1824. The numbers rise gradually year after year to 1856, when the greatest number (214) were committed for first offences.

After this year the scale alters. We descend in 1857 from 214 to 177, and in 1858 to 148; and if the same ratio continues for the last three months in this year as for the nine months now gone, for the year 1859 the committals will be 140. What has caused this change in a progressive increase extending over thirty years? I have examined into every circumstance which I could imagine to ascertain if there is any reason for this alteration. Have the magistrates refrained from committing juveniles during the last three years? No; on the contrary, they have a reasonable motive for committing now which did not previously exist, namely, that they can commit to Reformatories; and, on inquiry, the magistrates say, 'We have nothing like the numbers brought before us now that we formerly had.' Has the establishment of a West Riding constabulary contributed to this desirable result? No; the juveniles nearly all come from the large towns, where police has long been established: besides, the introduction of the new police force has had the contrary effect, namely, that of increasing the committals. Has there been a like decrease in the adults? No; the contrary. Their numbers were:—

In 1852 . .	2480	In 1856 . .	2244
„ 1853 . .	2154	„ 1857 . .	2535
„ 1854 . .	2425	„ 1858 . .	2448
„ 1855 . .	2303		

The year 1857 shows, therefore, an increase of nearly 300 over the previous year, and the year 1858 of 200 above the year 1856.

I can therefore suggest no reason for this decrease but one—the introduction of Reformatories.

In 1856, 36 juveniles were committed to Reformatories, and those principally in the latter part of the year. Up to the present time 193 have been sent to various Reformatory establishments. These 193 of course cannot return to prison—at least, 160 of them cannot, as they are now under confinement. But if I have made myself understood, you will see that the decrease in juveniles I have referred to has nothing to do with the recommittals either in or out of Reformatories. The decrease is of the class who have never been to prison, that is, in reality there are fewer new criminals springing up. Then you may naturally say, What influence can Reformatories exert on those who have never been there?

In the first place, the young criminals soon find that, if they commit offences, they are liable to five years' confinement; and I am

quite sure they do not like that. Then there is a clause in the Reformatory Act that the parents shall contribute something weekly towards the maintenance of their child whilst in the Reformatory. Now they object to paying 1*s.* 6*d.* or 2*s.* a week: they had much rather be receiving 4*s.* or 5*s.* a week for their children's earnings in a mill. This I think makes them look after their children a little better than they formerly did. But the great benefit of these establishments is the removal of the bad, the cunning, the dangerous young thieves. Children are easily led astray. One bad youth makes many: he is looked up to, he has his followers—his imitators; his example is dangerous, and his influence is great.

I will, with your permission, now briefly allude to the formation and progress of an establishment instituted by me—'The Industrial Home'—for providing work for discharged prisoners (principally adults).

From prisoners' representations to me, I had reason to believe that many would gladly avail themselves of a temporary employment until they could obtain a permanent one. I consulted five or six influential magistrates, and received from them warm encouragement and liberal pecuniary offers.

In November, 1856, I engaged two persons, a schoolmaster for evening instruction and a manager qualified to teach the making of cocoa-fibre mats. As the cost of the raw material bears but a small proportion to the value of the labour, this is an excellent article for unskilled labourers to work at. If a tailor, shoemaker, carpenter, or any useful handicraft workman is admitted, he is employed at his own trade; but no trade is taught but that of mat-making.

The raw material is now generally purchased at a large wholesale establishment in the neighbourhood. The mats, when manufactured, are bought by the prison at such a price as to allow of their being resold at from 7 to 10 per cent. profit. The prison, having a large sale for these goods, is a steady customer, and, with advantage to the trade department, takes all the mats made.

At the time of the opening of the Industrial Home I should, perhaps, have had some difficulty in obtaining a market for the manufactured goods; but now that it is established, and the articles made are found to be so good, I could find three or four customers who would take the goods on the same terms as allowed by the prison. I mention this for the sake of encouraging establishments of a like nature.

Knowing the class of persons with whom I had to deal, the rules I laid down were necessarily stringent. They were that all should be at work at six in the morning; they were not to leave the building (except for meals) till nine at night; they were to lodge at places approved of and appointed by me; they were not to be out of their lodgings later than ten o'clock; they were to be clean in their persons, sober; not to use improper language, or to be quarrelsome, with other minor regulations.

The inmates have the option of working or of attending school from half-past seven to nine every night. The majority prefer working. The

attendance at school averages ten in summer, and twenty in winter. The service of the Church of England is performed every Sunday, at which all the inmates are required to attend, unless they prefer going to the church, or to any other place of worship of their own persuasion. Amongst out-door amusement, the inmates have established a cricket club, and in three or four matches with other clubs in the town they have acquitted themselves creditably. I mention this to show you that they are not a marked class, but are acknowledged and associated with by other workmen and other cricket clubs in the town; and it is a satisfactory sign that they look after the morals of each other, and inform us when any of their comrades disgrace them by misconduct. In fact, I do not believe there is a more orderly set of workmen in any factory in the town. On their admission I pay for food and lodging for them until they can earn 5*s.* per week, which is generally in the second or third week. They then are paid by piece work, some earning from 18*s.* to 20*s.* per week, and some only 5*s.* or 6*s.* The average amount paid to them for wages during this year is 9*s.* 4*d.* per week.

Since the opening in November, 1856, 506 destitute persons, chiefly discharged prisoners, have been admitted.

143 left without giving any notice or reason.
44 left because they had objections to regulations.
93 were discharged for misconduct.
53 left with the avowed intention of seeking work.
118 left having actually obtained employment.
55 are now in the Industrial Home.

The average length of time the inmates remained was 64 days.

It is remarkable that a great proportion of the applicants for admission are old offenders. I suppose they at the time feel tired of their repeated returns to prison, and are willing to try a change. But I fear idleness and drunkenness have too deep a hold of them for much improvement.

Eighteen admitted who had been 5 times in prison; 7, 6 times; 9, 7 times; 4, 10 times; 1, 11 times; 1, 12 times; 1, 16 times; 1, 19 times; and 1, 27 times.

Out of 23 who had been from 6 to 27 times, 9 returned again to prison.

The remaining 14 I know nothing about; but not one of them remained till he could find employment.

Since the opening, 11 per cent. admitted into the Industrial Home, not old offenders, have returned to prison. In the same length of time 18 per cent. of the same class returned to prison who were not admitted into the Industrial Home.

Eleven who have been in the Institute have been married since their admission, and all are doing well; and out of the 118 who found employment, only 3 have since been committed to prison.

When I tell you that I have not had to ask for any pecuniary assistance, but that the Institution is self-supporting, and that I have out at interest belonging to it above 200*l.*, you will, I hope, think that this is a satisfactory experiment of Reformation.

CRIMINAL LAW AND PROCEDURE.

On Summary Convictions under the 'Criminal Justice Act of 1855.' By W. M. TARTT, F.S.S.

IN a paper read at the meeting of the British Association at Leeds, last year, on subjects connected with crime and punishment, I pointed out some defects in the administration of the Criminal Justice Act of 1855, for which it seemed desirable to provide a remedy.* The saving in the cost of prosecutions (which was shown by a table compiled for a single county to have been reduced from 9*l.* 2*s.* 3*d.* to 1*l.* 3*s.* 4*d.* each) had been a temptation to deal summarily with cases that ought to have been sent to the quarter sessions or assizes. There was too often a want of consideration as regarded the prisoner's antecedents. Even where the Act was properly applicable, there were capricious differences in the amount of punishment when the offences were nearly the same; and it was suggested that for these irregularities some remedy should be devised.

As the inquiry was intended to have a practical bearing, it was brought under the consideration of the magistrates of Gloucestershire at the last Epiphany Sessions. It was stated to the court that, upon looking into a hundred and thirty cases, it appeared that for similar offences, committed under similar circumstances, the sentences had varied considerably, and were not, apparently, regulated by any fixed principle. That in the case of persons charged with robbing their employers, where the circumstances were nearly the same, the sentences had ranged from fourteen days up to three months, and in one instance to six months; and that prisoners, who there was every reason to believe were habitual thieves, had been sentenced to two or three months' imprisonment instead of being sent for trial at the quarter sessions. It was therefore proposed to appoint a committee to consider whether any, and what, suggestions could be framed for the guidance of the magistrates generally in administering the Act. To this proposal there seemed to be the insurmountable objection that such a committee would have no power to carry its opinions into effect. Magistrates are jealous of being interfered with by any but a superior authority, in the exercise of a discretion which is given to them by an Act of Parliament; and seeing there was a feeling that could not be contended against, instead of moving for a committee, it was proposed to submit suggestions for the consideration of the different petty sessional courts, to be acted upon or not as they might think fit: a similar course having been already adopted with reference to the Juvenile Offenders' Acts.

With this view, and with the assistance of an experienced magistrate and county judge, the following table was compiled:

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* *Journal of the Statistical Society*, vol. xxii. p. 35; and *Report of the British Association* for 1858, p. 199.

	Value of Property Stolen 5s. or under. Range of Imprisonment.	*Value of Property above 5s.* Range of Imprisonment.
1. For petty thefts, and attempts to commit petty thefts, whether from the person or otherwise, unattended by any peculiar circumstances.....	14 days up to 6 weeks. (a)	3 weeks up to 3 months. (b)
Second offences.....	Committal to the Sessions; or (if thought preferable) the *maximum* period of imprisonment.	
2. Thefts by lodgers or inmates, or of property unavoidably exposed to depredation	3 weeks up to 2 months.	1 month to 3 months. (b)
Second offences.....	As for No. 1.	
	Under extenuating circumstances.	Without extenuating circumstances.
3. Thefts from employers	1 month to 3 months.	2 months to 6 months.
Second offences.....	As for No. 1.	
4. Thefts of the property of fellow workmen	3 weeks to 2 months.	1 month to 3 months. (b)
Second offences.....	As for No. 1.	

(a) Periods less than 14 days are reserved for cases extenuated by peculiar circumstances, such as hunger, pressing want, &c.

(b) Periods from three months to six months are reserved for exceptional cases, aggravated by peculiar circumstances.

*** For second offences (or where the party is known, or reasonably believed, to be an habitual thief) a committal for trial at the Quarter Sessions is, in almost every instance, recommended; as the Act is understood to apply to prisoners charged with first offences, and not to repeated or more serious crimes.

When the paper from which these extracts are taken was circulated, it was mentioned that (as it seemed desirable that, in the administration of the Act, the sentences in petty sessional courts, for similar offences, should vary as little as possible) the classification which had been attempted was submitted for the consideration of the acting magistrates, without any intention of interfering with the power they possessed, or with their individual discretion. In the suggestions which were offered a sufficient range was allowed to meet the circumstances of each particular case, and it was merely proposed that the practice should be uniform.

The matter as it thus stood was submitted to the Secretary of State for the Home Department; and was officially acknowledged as usual.

In the mean time the evil consequences of repeated short imprisonments had attracted the attention of the magistrates for Surrey, and the governor of the Wandsworth House of Correction was directed by the Visiting Justices to bring the subject under the notice of the Home Office.

He did so in a letter addressed to Mr. Walpole, under date the 19th of January last, and dwelt particularly upon the bad effects of 'the recommittal for short terms of old and hardened felons, who have frequently been in prison before, but who are brought before the magistrates, and, on proposing to plead guilty, are sentenced to a

short term of imprisonment under the Criminal Justice Act, although in many instances the committing magistrates are fully aware of the character of the offender,'—and had he been sent to the Central Criminal Court, or to the assizes or quarter sessions, he would probably have been sentenced, as he deserved, to penal servitude. The letter proceeds to state that 'the Visiting Justices are informed that this is frequently done for the purpose of saving time and trouble to the prosecutors and witnesses;' it is also done to save expense; 'but the Act was never intended for cases of hardened offenders, and public justice requires that they should not be so dealt with.'

Upon the motion of Mr. Drummond, the paper from which the above are extracts was 'ordered to be printed, 28th Feb. 1859;' and, in his place in the House, on the 18th of March, the hon. member inquired if the Secretary of State had considered the complaint addressed to him, and whether he proposed to take any steps to remedy the evil. In reply, it was said, that 'the subject of the hon. gentleman's inquiry applied as much to the country at large as to the metropolis. The Act which was passed to enable magistrates to inflict summary punishment in cases of petty larceny had been greatly misunderstood. They inflicted summary punishment in cases where the prisoners had already been convicted many times, which was not at all the meaning of the Act. It was the intention of the Home Secretary to institute inquiries of the various metropolitan magistrates, as to the course which they pursued, and if it was found that they did not pause in their present career, some legislation must be adopted.'

Mr. Drummond appears to have also had reason to believe that the same inquiries would be addressed to the clerks of petty sessions; but I do not learn that anything has been done. Indeed, from a case reported in the *Times* of the 23rd of August, it cannot be supposed that any communications could have been made.

In Lancashire, at the adjourned annual session, 9th Sept. 1858, a resolution was adopted, 'That the names of all prisoners convicted under the "Juvenile Offenders," and the "Criminal Justice" Acts, with the dates of their commitments, the terms of imprisonment, the nature of the offences, and the number of times each prisoner has been in the county or other jails, together with the names of the committing magistrates, be printed at the end of each quarter, and sent to the clerks of the magistrates of the several petty sessional divisions by the governors of Lancaster Castle, and the Houses of Correction, and also to the managers of the certified Reformatory Schools in Lancashire, Yorkshire, and Cheshire.'

Such a resolution, if properly acted upon, is an approach (as regards a single county) to the system of *Casiers Judiciaires* in France, and is the only attempt of which I am aware to obtain the requisite information as to a prisoner's antecedents.

For this portion of the evil there must be a legislative remedy; but an approach to uniformity of sentences for 'offences of the same character committed under similar circumstances,' might certainly be made if the Secretary of State would merely address a circular to the

several county chairmen requesting them to refer the subject to the consideration of a committee of magistrates, and report the result.

The scale which I have myself suggested is imperfect; and, individually, I think that the minimum period of imprisonment is too short.

On this subject I have received communications from quarters entitled to respect; two of them more especially.

'I would never' (says one of our ablest magistrates) 'imprison for less than two months under the first section (of the Criminal Justice Act) nor for less than four months under the 3rd section, unless with some greatly extenuating circumstances. We were savage in our punishments; I think now we are trifling with crime. 1. The distinction should be sharp between non-payment of fines on assaults or trifling misdemeanours, and in cases of felony. 2. It is not a question as to the offender alone: the deterring influence on others is the most important consideration. Will not lookers-on think little of crime avowed, or clearly proved, and marked by no extenuating circumstances, followed by a few days' imprisonment? 3. It is the first step in crime which costs the most trouble and is attended with the most misgivings. Should we not surround this step with a punishment to be dreaded rather than (in effect) say you may commit a first offence almost with impunity? 4. Prison life is not what it once was. The solitude, the instruction, may not always work improvement; but there is nothing in the longest confinement likely to harden or corrupt, and to a certain extent, and, for a time at least, old connexions are broken off, and habits of order, and cleanliness, and self-restraint are superinduced.'

The other communication is from a lady at the head of a reformatory institution for women and girls; and, confining her observations to this class of offenders, she says:—'It is my firm conviction that, whatever the age is, imprisonment should never be less than one month for the first offence. Even for children who are to be sent to a Reformatory a month's prison discipline is not too much. It breaks at once the habit of wilfulness and disobedience, and prepares them for the milder discipline of the Reformatory, to which they then submit with less reluctance. To make the prison stigma dreaded as it ought to be, one month should be the shortest sentence; as any other, such as three days, seven days, fourteen days, makes the punishment so little regarded that one is almost sure to see the same prisoner again, and in a much-hardened state of mind, the shame of a prison having been done away with.' It is also suggested that vagrants, mendicants, and other merely disorderly persons (especially in the case of women) should be sent, when it is a first offence, for a few days' solitary confinement to a ward or separate wing of a workhouse, and that the prison brand should be reserved for those who are charged with larceny or more serious crimes.

These remarks would lead us again to inquire into the desirableness of doing away with short imprisonments altogether, substituting for 'first offences' a 'recorded conviction,' and for 'second offences' the

maximum imprisonment allowed by the Act, as suggested by the Rev. J. Field at the meeting of the Association in 1857.

We have an inducement to try the effect of such a mode of treatment in one of the facts recorded in the Judicial Statistics prepared by Mr. Redgrave at the Home Office, for the year ending 29th Sept., 1858. From 'Table 9' it appears that according to the police returns of the persons proceeded against during the year, 153,576 had been of previous good character, and 138,388 were not known to have been otherwise; making together 291,964, out of 434,492; and of these, according to the usual proportions (in table 8) we may assume that upwards of 180,000 were convicted. It is surely desirable that the prison stigma should not, under these circumstances, be in the first instance inflicted upon so large a number of those who are hesitating between honesty and crime.

My practical object in bringing the whole subject before the present meeting is to obtain co-operation in effecting such a change of the law as will prevent old offenders from being dealt with as at present, and in inducing the Secretary of State to invite the attention of the magistracy to the adoption of something like an uniform scale of sentences for 'offences of the same character committed under similar circumstances.' It will be well to remove, as soon as possible, the judicial anomaly of a lottery of punishments.

On the Criminal Law relating to False Pretences on the Sale of Goods. By George W. Hastings.

Few who have looked into the subject will maintain that our criminal law with regard to false pretences on the sale of goods is in a satisfactory state. The law halts between two opinions. It neither adopts the plain and consistent policy of leaving the self-interest of the buyer to guard him in every transaction, nor the equally plain and consistent course of punishing criminally every seller who, by a fraudulent misrepresentation of fact, has deceived his neighbour. If we were engaged in re-modelling our criminal law, it is probable that each of these opposite principles of legislation would find their advocates; and those who wish to consider the question philosophically would do well to peruse the remarks appended to his Indian penal code by Lord Macaulay. The object of the paper is, not to enter into the abstract question, but to point out the practical anomaly existing in our law, in the hope that some remedy may be applied.

The subject is of the more importance to this Association, because its solution might remove the difficulties felt as to the prevention of adulteration of food, of the forgery of trade marks, and other common modes of cheating, without necessitating further and special legislation.

The law at present speaks thus:—If in selling an article you

fraudulently misrepresent its whole substance, you are a criminal, and shall be punished accordingly; but if the article so fraudulently misdescribed shall contain in its substance the slightest admixture—though so slight as to be utterly valueless—of that which you say it wholly consists of, then you are not a criminal, and may go scot free. Thus, if a chain made altogether of some base metal be knowingly sold as silver, the seller may be convicted; but if it had the most attenuated coating of silver, although it were rubbish nevertheless, the seller must be acquitted. In Bryan's case, some spoons were pledged as containing as much silver as those known in the trade by the name of Elkington's A, whereas on examination they proved to be of extremely inferior, and indeed worthless, quality; but as they did contain a very slight washing of silver, the conviction by the jury was quashed by the judges. Mr. Justice Willes and Mr. Baron Bramwell dissented from this decision, and the powerful judgment of the former, pleading for the adoption of the rules of morality as the foundation of law, deserves deep consideration. Surely there is no reasonable difference between the two acts referred to; surely the criminality of the seller is to be measured by the fraudulent intention and the actual cheat, and not by the subtle metaphysical distinction between a falsehood as to the whole substance, and a falsehood as to a part of the substance, of the article.

Nor is the law one whit more satisfactory as to false representations of the quantity of the goods sold. At common law, indeed, a cheat of this sort was considered as a subject for civil remedy only, unless the fraud affected the public at large, when it became indictable. This was distinctly stated by Lord Mansfield in Wheatley's case, the wrong there consisting in the sale of a cask of beer as containing more gallons than it actually held. The judges said that the purchaser ought to have measured the beer, and laid down *caveat emptor* as the broad rule in such cases. Such a rule was, at any rate, intelligible. But the decisions of the Courts on the 53rd section of 7 & 8 Geo. IV., which now embodies the statute law on this subject, and especially the recent judgment in Sherwood's case, have unquestionably modified the rule of the common law, and have established that a false representation of the quantity of goods sold to an individual is, under certain circumstances, indictable. Some of the judges think with Chief Baron Pollock, that the statute was never meant to apply to any case of real buying and selling, but only to those cases in which the buying and selling is used as a cloak for fraud. On the other hand, the late Chief-Justice Jervis, one of the ablest criminal lawyers who ever sat on the bench, considered that the statute was passed for the purpose of checking fraudulent practices, whether in the sale of goods or otherwise; and Mr. Justice Willes (as already stated) is of the same opinion. Thus the law has reached that worst condition for the public—chronic uncertainty.

A slight alteration of the existing statute, providing that any fraudulent misrepresentation on the sale of goods, whether as to quantity or quality, should be punishable criminally, would end these

contradictions, would place the law on a consistent basis, and supply the public with a broad and efficient weapon for the suppression of adulteration, false trade marks, and other too common frauds.

It has been objected that such an alteration in the law would bear harshly on the seller, because it would render him liable to indictment for innocent mistakes, and transactions universally understood. For instance, it is said, if a lady goes into a shop and asks for a silk dress, and is supplied with an article containing a certain proportion of silk, but the rest cotton, there is no cheat, for all the world knows that a silk dress does not necessarily imply a dress made altogether of silk. Such a case, I reply, is a question of fact for the jury. If the purchaser was made to believe that the dress was really of silk, and if the price asked was such as would be given for a dress of such a quality, then the fraud is complete, and the seller should be criminally punishable, as he would be under the law as it stands at present if the article only had the appearance of silk, but consisted wholly of cotton.

Where lies the real difficulty? I fear the answer must be, in the rotten morality of the nation. Our dealings are so much shams and deceptions that we dread to bring them to the test of simple truth. Are we sincere in our Christian ethics, and in our national boast of honesty? If we are, why should not open dealing be the rule of trade, and morality be the principle of law? Why not carry out in legislation what Mr. Justice Willes boldly proclaimed from the bench, that trade should be made to conform to the requirements of the law, and not the law be made to sink to the fraudulent practices of trade.

The Inexpediency of Capital Punishment. *By* THOMAS BEGGS, *Fellow of the Statistical Society, and Honorary Secretary of the Society for the Abolition of Capital Punishments.*

I SUBMIT that many recent criminal cases strongly support the views of those who plead for the abolition of death punishments. The limits of a single paper will not permit a treatment of the whole subject. I shall therefore confine myself to a few considerations which arise from one of the cases referred to.

I will first look at one or two of the prominent features in a case which has lately engaged a large amount of public attention. I will look at it as it was first presented to the public. In the criminal, we had a man belonging to the educated classes, and to a profession which supposes a possession of the means, and the knowledge how to apply them in the commission of such an offence as that with which he was charged. This crime, that of slow poisoning, argues in the perpetrator a fixed and unrelenting depravity. Many other crimes have the feeble palliation of being committed under strong provocation or excitement, but this denotes cool calculation and determined purpose. The criminal must lay his plans with caution, must persevere in them with steadiness, and must, moreover, measure his success,

by becoming almost an hourly witness of the sufferings of his victim. It is an offence of which society is, and ought to be, specially jealous, for it walks in darkness and secrecy, and therefore justifies the most stern measures of precaution and punishment. It is all the more dangerous, because of the facilities for its commission from the difficulty of detection, and the still greater difficulty of conviction. During the discussion on the case referred to, we have been reminded by the *Times* newspaper that actuaries, and others connected with life-offices, are often startled by suspicious circumstances connected with the death of the assured. It is a crime which we should expect to see occur in a state of society where intellectual progress greatly exceeds the moral. The nature of the offence makes it terrible, and thus the secret poisonings of the middle ages have always been viewed with peculiar horror. If any crime can justify the doom of death it is this.

The case I select for illustration is that of Smethurst, who has been tried for the wilful murder of a woman with whom he lived in a guilty connexion. He has been reprieved by the Queen. A coroner's jury felt the evidence sufficient to warrant a verdict of wilful murder, and the magistrates committed him on the charge. The trial, after the opening of the case for the prosecution, had to be postponed in consequence of the illness of a juror, and notwithstanding all that may be urged to the contrary, this would operate in favour of the prisoner, for the public at large, and those more particularly engaged in the case, would be able to look at the circumstances, after such a postponement, with a calmer and more subdued judgment. The jury found a verdict, and the judge pronounced sentence. After this, the public outside took up the case, and the newspapers were filled with letters and leading articles, many of which went to assert the innocence of the accused, but most of them to protest against the evidence as insufficient. The Home Office was deluged with letters, memorials, and petitions, and ultimately a reprieve was given. This allays the excitement, but still there are many who press on for an immediate release, and some few, forgetful that there must have been strong presumptive evidence to justify conviction, and that there were at least strong grounds of suspicion in the circumstances of the case, talk of compensation. The reprieve creates a new difficulty, and the calm observer must see that the dilemma is one that is not likely to increase the public respect for the law, nor throw an additional protection over human life. It is contended, and very fairly, that he ought to be released, inasmuch as the only ground upon which a reprieve could properly be based, would be that of insufficiency of evidence. Some writers are demanding a Court of Appeal in criminal cases, and others question the principle of trial by jury. My own opinion is that the fault, if anywhere, is in the law, and that if the punishment of death be abolished for all offences, the trial by jury will be found, or may be made, in a free country like this, as fair a tribunal as can be reasonably expected, considering the imperfections incident to all human institutions. It

is the dark shadow of the scaffold that clouds the judgment and influences juries to refuse to convict, and so many of our countrymen to shrink from inflicting a doom that admits of no recall. This is an increasing difficulty in the administration of the law, as every assize where there happen to be cases of murder will show.

In order to support the argument of abolition, I will take this case of Smethurst on two suppositions; one of which must be the true one, and I shall do so without giving any opinion as to the correctness of either. I will suppose that he is guilty, and that the discussions in the newspapers were first stimulated by the friends of the accused, and afterwards taken up by a number of worthy and well-meaning people, who were really less influenced by any judgment they were able to form on the sufficiency or insufficiency of evidence than by the horror of executing a man upon whose guilt any doubt remained. I am justified in supposing all this as possible, for it is well known that a similar attempt was made in Palmer's case, and that money was offered to a class of writers to agitate upon the subject. Having read a great number of the letters which have appeared, I can say, without doing any injustice to the large body of writers who so suddenly espoused the cause of Smethurst, that the majority of them were incapable of manipulating or appreciating evidence. The amount of shallow reasoning, illogical conclusions, and false sympathy excited in this case would impress me with the opinion that the less of public discussion in relation to our criminal proceedings the better. Any one looking at the correspondence will see that the horror of the crime was entirely lost sight of, and that many treated the condemned as a martyr to judicial error. The public outside are not always, if ever, in a position to judge of evidence so well as those who are accustomed to receive it, and to weigh it. Those who have sat in a jury box understand full well the impression created on the mind by the appearance and manner of a witness under examination. This is often very important, and is entirely lost to those who simply read the reported evidence. We must always respect the public feeling which speaks in the cause of humanity; and I by no means assert that it was improperly expressed at this time. I hope that it has saved an innocent man, but what I insist upon is this, that the interference of that public sentiment with the decisions of our courts of justice is not desirable, for although it may be urged that it will teach witnesses, juries, and judges a lesson of caution, it is more likely to operate the other way, and improperly bias them to a verdict of acquittal, and might in other cases be influenced by an unreasoning spirit of vengeance. This public interference, in all probability, will be less frequent if the punishment is short of death, and will be more temperate in its conduct and expression. If the coroner's jury, the magistrates, and the judge and jury are right, then public opinion, or that part of it which found expression in the newspapers, has saved a guilty man. This substantiates one of the powerful reasons given by the abolitionists: that capital punishments favour the escape of the guilty, and without any reference to this case, I think I see in the

events of the last few years that the abolition will be forced upon us by the impossibility of securing the conviction and execution of criminals. An impunity is given for the commission of crime, for it is a matter of common experience, that the certainty of detection and conviction is far more powerful in repressing crime than the severity of the punishment.

I may digress from the case which I have taken for illustration for a minute or two to call the recollection of my auditory back to the ameliorations of the criminal law within the present century, and the means by which they were effected. At the beginning of this century we had some 200 offences punishable by death. The abolition of death punishments, laboured for so ardently by Sir Samuel Romilly, Sir James M'Intosh, and others, was strenuously resisted by many in high station on the ground of necessity. The law defeated itself, for a state of things existed which threatened a subversion of all law. Sir William Guest said in 1810: 'There was among prosecutors, witnesses, juries, judges, and the ministers of the Crown a general confederacy to prevent the law being executed.' The fault, however, was in the law. The public mind rebelled against the punishment. Lord Suffield on one occasion stated that he had 555 perjured verdicts delivered at the Old Bailey in fifteen years for one single offence, that of stealing from dwelling-houses. All sorts of evasions were practised, and one of the common modes was this, to declare valuable property to be of the value of 35*s.*, in order to escape the law, which made the stealing to the value of 40*s.* a punishable offence.

During the last ten years many very strange and unexpected verdicts have been given in cases of murder, showing the eagerness with which juries accept any pretext to rescue a criminal from death. I may name one. About ten years ago a woman, of the name of Sarah Chesham, was executed at Chelmsford for the murder of her husband by poison. It was found that the year before she had been tried for a similar offence, and it was the opinion of the judges of the Norfolk Circuit that, if the punishment had not been death, she would have been convicted of the first offence. It is clear to my mind that while capital punishments exist, conviction will, in a great number of cases, be impossible. Juries will make distinctions as to degrees of guilt, and avail themselves of any plea where there are palliating circumstances to avoid a verdict of guilty.

I return now to the case which I have taken to illustrate my argument; my second proposition, that he is innocent of the crime of which he was found guilty. In that case, an argument of the abolitionists is strongly supported—viz., that the punishment of death involves the destruction of the innocent. If this man is saved, it is at the eleventh hour, and by a movement such as is rarely made, and almost unprecedented. A few more days and he would have been shut out from the chances of escape his friends and the public created in his behalf. As I have said, the sentence had been given, the scaffold was prepared. Suppose him to have been poor and friendless, or suppose those who took up his case had been less vigilant, or less persevering,

or less determined; or even suppose that his fate had been pending at a time when public attention was engrossed by exciting and momentous topics. On what a few feeble threads hung the life of a man whom some suppose to be innocent, and many believe to have been convicted on insufficient evidence. By what a strange circumstance was this man—assuming him to be innocent—saved from a place among the dark catalogue of those who have fallen victims to judicial mistakes. It is some answer to a writer in *Chambers' Journal* of September 10, who, on the authority of a late Secretary of State, whom he does not name, asserts an unsatisfactory conviction to be all but impossible. I regretted to see in that interesting and useful periodical a statement so bald and unsupported on a subject of such great importance. In one of the *Chambers' Tracts* several memorable cases are given; and Mr. Charles Phillips, in the last edition of 'Vacation Thoughts,' fills a whole chapter with cases of innocent men having been wrongfully convicted. It must of necessity be that human tribunals are open to human imperfections, and therefore I object that they should have the power to pass a sentence that admits of no recall.

The paramount argument, however, for the abolition of death punishments is, that they do not operate as a determent from crime; and I am glad to find that in the Legislature, at least, the question is narrowed to its proper limits. We are indebted to Sir George Grey for having condensed into one brief sentence the whole philosophy of the subject. He said: 'If the State is as safe without the punishment of death as with it, it has no right to inflict it.' What we have then to decide is, whether on the minds of the criminally disposed death is considered the greatest evil, or whether, in the commission of crime, it is considered at all. It is, after all, a psychological question, which the inquiries of the present age are doing much to solve. It has been ascertained by scientific investigation that in a large number of cases the homicidal and suicidal manias were co-existent. In some cases the murderer seeks no concealment, and in others he evidently calculates upon an escape from detection. The opinions of the judges have been taken. I will select one—that of Mr. Justice Coltman: 'I am disposed to think that imprisonment for life, without any remission of the sentence, might be substituted for capital punishment. Many guilty persons now escape who would then be convicted. I do not think the apprehension of death operates much on the mind of a man meditating a great crime.'

This, I believe, is the testimony of all men who have been careful observers of the criminal classes. We ask then—and I speak in the name of the Society of which I have the honour to be honorary secretary, the Anti-Capital Punishment Society—that the difficulty in the way of juries and the public may be removed, and that a punishment which so favours the escape of the guilty, and involves occasionally the conviction of the innocent, may be repealed. We say that public executions have a tendency to brutalize the population, and that the safety of human life demands the substitution of a punish-

ment that will as little as possible interfere with conviction, and we believe that perpetual imprisonment or transportation would be the appropriate substitute.

TREATMENT OF ADULT OFFENDERS.

Punishment v. *Reformation.* *By* E. B. Wheatley Balme.

HAVING attended carefully the two previous meetings of this section, and that of the Reformatory Union at Bristol, in which it in some sense originated, I have been struck with the great discordance of opinion, as to fundamental principles in the treatment of crime, which has appeared in the papers and discussions. This was no doubt to be expected, for it was the purpose of our Association from the collision of various opinions to elicit the truth; but as we have assumed the somewhat ambitious title of promoters of Social Science, it seems to be time, in this our fourth year of progress, that we should endeavour to ascertain at least what are the elementary principles of that branch of the science to which our inquiries are specially directed, viz., the punishment of crime, and the reformation of the criminal.

The most cheering view which has been presented to the section is, that mankind can be governed without punishment at all. Of this I would only say, that if it can be done it ought to be done; and when it shall have been done—when there shall be no crime to be punished, and therefore no criminals to be reformed—this section will own its 'occupation gone,' and gladly welcome dissolution. It is clear, however, that it belongs to our sister sections, especially that of education, rather than to us, to do this: for the present we must view the existence of crime as a fact, and consider how it should be dealt with.

It has been said, and I believe truly, that the 'annexing pleasure to some actions and pain to others, and giving notice of this appointment beforehand to those whom it concerns, is the proper formal notion of government;' and accordingly every Government in the world that I ever heard of, except that of New Lanark, has acted on this principle—has at least annexed pain to certain actions.

But it is no less true that, whenever punishment is actually inflicted for crime, Government has, *pro tanto*, failed of its end, which is not that pain should be inflicted, but that crime should not be committed.

The primary object of penal legislation is not the punishment consequent on crime, but the prevention of crime by the antecedent fear of punishment.

It seeks to accomplish this end by annexing to those actions which it regards as injurious to the community such a measure of pain, that the fear of it viewed prospectively may suffice to overcome the attraction which passion or fancied self-interest may present to individuals to commit those actions.

That this course is necessary I think we are all agreed, except the few who hold the cheering view I have referred to. But when we come to consider the cases of failure, where the attraction has prevailed over the fear, and crime has been committed, we find a wide difference of opinion.

We may perhaps conveniently express the extremes of the opposite views by the names of our two topics, Punishment and Reformation. What is to be done with the man whom the menace of the law has not deterred, but who, in spite of it, has done the forbidden act?

'Nothing more simple,' says Punishment. 'Let the vengeance of the law be executed upon him, so that he shall be convinced that he had better not do it again, and that others that way inclined may derive a like conviction at second hand.'

But suppose he does it again notwithstanding, and that others do the like. 'That only shows,' says Punishment, 'that you have not inflicted pain enough—flog, hang.'

Clear it is that he who is hanged will not do it again; but suppose others still do it.

'Break on the wheel or torture before you hang, keeping the culprit meanwhile in loathsome dark dungeons, on bad bread and worse water.'

Suppose still the forbidden thing is done.

I beg of Punishment and this scientific gathering a thousand pardons, but I cannot help expressing here a suspicion that Punishment is shut up.

For our suppositions are simply historical facts. Montesquieu tells us that highway robbery having become very common, the horrid punishment of breaking on the wheel was invented; that it checked them but for a while, and then they became rife as ever. This is but one instance of many that might be cited to show how utterly mere severity of punishment fails to restrain crime.

Nay, further, as Beccaria tells, the countries and times most notorious for severity of punishments were always those in which the most bloody and inhuman actions, and the most atrocious crimes, were committed.

And the study of human nature explains what history thus records.

Severe punishment appeals to one motive only—fear. Fear is the fruitful parent of cruelty, but has little control over the many other motives which lead men to crime.

'There is no passion in the mind of man so weak,' says Lord Bacon, 'but it mates and masters the fear of death.'

A thousand instances support the great founder of inductive science in this paradox. The angler who would wade in pursuit of sport, though his doctors told him it would certainly be the death of him. The Sheffield grinder who would not be saved from death—speedy, painful, and almost certain—by magnetic respirators, lest immunity should reduce the rate of wages. The soldier who was to be hanged for stealing some trifle, and who, to the taunt of his commanding officer, 'What

a fool you must be to risk your life for five shillings,' replied, 'I do it every day for thirteenpence.'

If, then, the King of Terrors himself is no match for desires so trifling as would seem, how vain to expect that the fear of that, or, *à fortiori*, of any less punishment, should control passions grown by indulgence to such giant strength as those which often actuate the criminal.

While Punishment on the extreme right muses, fiercely perhaps, on these things, hear we, on the extreme left, Reformation.

'Your notion of punishment for crime is altogether a mistake, a relic of barbarism. You have indeed taken away from the individual the right of executing private vengeance for wrong done to him, and have so far promoted the peace of society; but you still retain, in public punishment, the false notion of retribution. Hence the pain you inflict on the criminal with that notion only excites his hostility, and as soon as he has the chance he again retaliates on society. Your notion of punishment for the sake of example to deter others is still worse. For, supposing it right to punish a man for his own misdeeds, what right have you to inflict pain upon him on account of others over whom he has no control, and for whose actions he is therefore in no way responsible, but who you imagine may be disposed to do the like.'

'No: the true philosophical view is to treat the criminal as you would a lunatic.'

Here we catch murmurs from the extreme left. 'Every criminal, at least every great or incorrigible criminal, is a lunatic, or moral idiot.

Qui sceleratus
Et furiosus erit.

'Keep the man out of mischief by restraint,' continues Reformation, 'and do the best you can to cure him. If you cannot cure him, keep him still as long as he lives.'

Here I would beg leave to say that I think we must acquit Reformation of the charge commonly alleged against it—viz., that of morbid philanthropy. Had it its way, I believe it would in many cases (for it would discriminate much) treat the criminal more severely than he is now treated. It would give him the barest of board and lodging consistent with health till he earned better by really hard labour, and unless he gave, by trustworthy tests, proofs of better dispositions, would keep him in prison till death relieved him, and society of him.

But though, or rather because I hold with Reformation in this as in most of the means which it proposes as well as the ends it seeks to attain, I feel myself bound to enter my humble protest against the principle which would eliminate all notion of punishment from the treatment of crime.

That principle tends I believe, more or less, as it is more or less developed, to ignore what reason and revelation alike teach; that there is moral as distinguished from physical good and evil; that

man is a being influenced indeed by external circumstances and physical laws, but in nowise their bond-slave; that he has choice of good and evil; that the choice of evil, and action thereon, involves guilt, and that guilt deserves punishment.

Doubtless ignorance, infancy, idiocy, or insanity, where they really exist, take away responsibility, and therefore guilt and desert of punishment; and in many individual cases it may be as difficult to define precisely where irresponsibility from these causes begins and ends, as it is in physiology to trace the exact limit between the animal and the vegetable kingdom; but the general distinction is as broad and clear in the one case as in the other.

If it be asked what the words 'deserves punishment' mean, I would simply answer with Butler that they belong to the general language of mankind to which, cavil as you may, all men do attach an intelligible meaning, because they express the sense of principles common to human nature—viz., that of conscience as regards ourselves, and that of resentment as regards others.

Resentment is that sense, innate in us, which requires that wrong and injustice should be punished. It is wholly different from revenge, which is the desire to retaliate for harm done, whether justly or unjustly, to ourselves. It arises on the sense of injustice as such to whomsoever done, and though we are no way personally concerned; as, when we read a novel, we are dissatisfied if a base or cruel character does not somehow or other come to grief. As regards society, it is what we call the public sense of justice. Any system of criminal treatment which would ignore this essential principle of human nature must be so far erroneous because unnatural.

It is, however, most true that this innate sense of justice, which requires that wrong should be punished, is by no means a fit measure of degrees of punishment. Like every natural impulse, it requires to be guided and controlled by right reason. Right reason will check that impulsive tendency, which, when crime comes near home, and while the sense of it is fresh, clamours loudly for severe punishment, less from righteous resentment than from fear that it may come still nearer home.

It will equally check that impulse no less common, and to which the charge of morbid sympathy with criminals truly applies, which, when the criminal is convicted and just sentence passed, turns round and becomes as eager for its remission. It will, if I mistake not, lead us to consider the matter somewhat thus:—

Our great object with respect to crime is that it should not be; and where it has been that it should not be repeated. The great deterrent which withholds from crime that large fluctuating mass which is kept from it, but not by higher motives, is the fear, not so much I believe of pain, as of disgrace and loss of caste. If so, the great value of a well-ordered system of punishment is, that it stamps upon each kind of crime its due measure of public reprobation.

But with him who has passed the Rubicon of crime this most powerful deterrent, shame, has lost all power.

This is one explanation of that, on mere punishment principles, most anomalous fact which statistics show, that he who has actually suffered punishment for crime is much more likely to repeat it than he who has never suffered at all is to commit it; and what is even more curious, is more likely to repeat it soon after his discharge from prison, when one would expect the sense of punishment to be most lively, than when an interval has elapsed. Hence it is greatly for the interest of society that the criminal should, if possible, be restored to the status he has lost, if only for the sake of the hold over him which the fear of losing it again would give. This restoration involving, as to be real it must, an internal change of disposition and habit, as antecedent to the external, is what Reformation seeks to accomplish.

But how to do this consistently with the public reprobation due to crime?

That I believe can only be accomplished, if, according to the Christian paradox—

> If they who hate the trespass most,
> Love the poor sinner;

—if the punishment which the law holds out, and when need is inflicts, be (in cases short of capital, of which I speak not here) so administered as not to exclude hope; but, above all, be tempered and supplemented by Christian charity learnt from the Great Physician of the sick; from Him in whom 'Mercy and truth met together, righteousness and peace kissed each other.'

Remarks on the Employment of Prisoners. By C. W. Eddy, M.A., *Oxford.*

I SUPPOSE all advocates of improvement in the treatment and management of prisoners are agreed that it is very desirable, both with regard to their improvement and future independence, and to the interests of the public, that effective employment should be provided for them, and there can be no doubt this employment should be made remunerative to the country if possible; but the great difficulty in an old and crowded country such as ours, in which every department of industry is so fully occupied, is found to lie in the jealous hostility excited by all attempts to establish within prison walls such manufactures as are carried on in the community at large, in consequence of such attempts being popularly regarded as an unfair encroachment on the rights of free and honest labour; and, whatever amount of respect may be thought due to a prejudice which thus tends to sacrifice the interests and welfare of the public to the virtual protection of one or more trades, it is probable that the feeling is too deeply rooted to be disregarded with impunity. In fact, this prejudice has been allowed to operate so banefully that in the county prisons of England labour is scarcely directed to anything worthy of the

name of work, but is too often wasted on such trifling occupations as the breaking up of stone, which, after deducting the expense of carting in and carting out, barely leaves a profit—picking oakum, which is an encroachment on the privileges of the union workhouse—or harmlessly exercised in turning a weighted crank.

Such occupations furnish the prisoner with no trade, or means of earning an honest livelihood when he ceases to be maintained at the expense of his country, and are only too likely to confirm or increase his dislike for regular industry. Now, I maintain broadly that prisons ought to be made self-supporting institutions in this country, as they are, in fact, in some of the States of America, as well as establishments wherein the idle and vicious may all be taught some trade which shall deprive them of the excuse, which too many of them have, for relapsing into crime.*

The question is—Cannot some remunerative occupations be discovered which shall not come into direct and injurious competition with any important branch of labour carried on in this country? I believe there are several such occupations, and that it requires but little ingenuity to find them. They may be sought in the following directions:—

1st. Among those manufactures which are consumed but not produced in this country.

2ndly. Amongst those which are at present supplied by foreign countries to our own colonies, or to other foreign countries, and which might probably be as advantageously produced in our own workshops.

3rdly. A third direction, in which it appears to me that such surplus labour as our prisons afford may be legitimately engaged, is in the supply of those articles for which the demand comes to us mainly from our colonies, and for which, accordingly, the demand increases from year to year so rapidly that the small additional supply which could be furnished by our prisons could by no possibility throw out of employment any of the hands already engaged in the manufacture.

4thly. A fourth class of articles which might be usefully and profitably constructed in our prisons, for the home market, are such as though neither produced nor used at present in England, are extensively used in other countries, and, if once introduced, could hardly fail of becoming adopted for similar purposes in England.

The experimental nature of this latter class would, of course, preclude such as might require for their production peculiar machinery, as stamps, dies, or expensive tools, for instance; but I hope to show that there are some which would not involve this expense or risk, nor yet the delay and difficulties which would beset the first production in prisons of such objects as require great skill, tact, or nicety of manipulation in the workman: indeed it is obvious that all branches

* When I wrote this paper I was not aware to how great an extent these important objects have already been accomplished and the problem solved by Mr. Shepherd.

of manufacture which demand a peculiar training and education of the mental powers, the eye, or the hand, are unsuited to the exigencies of prison life. The ruder and coarser handicrafts of the carpenter, joiner, cooper, mason, smith, weaver, shoemaker, and whip and harness maker, are more suited to its requirements. I wish to preface the remarks and suggestions which I have to make under each of these heads with a very few notes and details drawn from personal observation of the system pursued now in most of the States of North America and in Canada, and of the working of that system.

The system now generally adopted there, both for adults and children, is that of associated labour in large workshops under the direction of master manufacturers, who contract for the labour at a certain price per head, and subject to the control of the prison officers, one at least of whom is present in every workshop.

This system is found to be economical in its working, and successful in its results, and has extended to most of the States, with the exception of Pennsylvania, where, as is well known, labour in solitary confinement is the rule, and the prisons in this State present a very different balance-sheet. At the Eastern State Penitentiary of Pennsylvania, the cost in 1857 appears to have been about 18*l.* per head.

It is seen on the largest scale in the great prisons of New York State, Sing-Sing, Auburn, and Clinton. These are all subject to a central administration, and to the visitation of a board of inspectors, three in number, of whom one retires in annual rotation. The pecuniary success of the plan may be inferred from the simple fact that the retiring member of this board, at the commencement of the year 1857, made an offer to the State, through the medium of the annual report, to take the prisons of Auburn and Sing-Sing for a term of years, pay the entire ordinary expenses, submit to whatever rules might be imposed by the inspectors, fulfil all existing contracts (for labour), and pay a small annual sum into the State treasury, and this in a State having a population of near three and a half millions, and a convict population of nearly 2000. His reason for excluding Clinton from his offer was that, owing to its remoteness from the great marts and centres of industry, it is unfavourably situated for carrying on any branch of manufacture, except the smelting and forging of iron, which is too laborious an occupation for the weakly among the prisoners, hence this prison has never paid its expenses. At Auburn the excess of earnings over expenses in 1856 was 6000 dols. At Sing-Sing, in the same year, in consequence of a fire, the balance was slightly on the other side. The women contribute only one-fifth of the expense of their maintenance, employment for them being restricted to the ill-remunerated occupations of sewing and shoe-binding, and accordingly the female department at Sing-Sing makes this prison compare unfavourably with Auburn. The offer of the retiring inspector was refused as not sufficiently favourable. This was fortunate for him, as during the ensuing crisis the productions of prison as of other labour became unsaleable, and many of the workshops were closed in consequence. The expense of the prisons in that year, therefore, exceeded the revenue.

The employments at Auburn, when I visited it last year, were coopering (*i.e.* making flour barrels), manufacturing hames and horse-collars, carpet weaving, tailoring, and making pegged boots and shoes. A large number were out of employ, in consequence of the crisis. I was assured that they all preferred to be at work, and that the idle prisoners gave much more trouble, and incurred more frequent punishments, than those at work. The labour of certified workmen, as carpenters, coopers, &c., is usually reckoned at 50 cents (*i.e.* 2*s.*) per diem; but owing to the money pressure at the time I visited Auburn, the contracts were let at a low rate.

Contracts at Sing-Sing for 1856, *taken for Five Years.*

Manufacture of cigars, at 40 cents per day for men, 33 cents for women

Auburn.

Carpets and rugs	35 cents per diem.
Coopering	50 „ „
Boots and shoes	40 „ „

Clinton.

Coopering	50 „ „
Raising ore	75 „ „

One or other branch of manufacture in all these prisons requires the aid of steam, and accordingly they are all provided with steam power, which is let to the contractors at so much per horse power. Each contractor agrees to take a certain number of hands, at a fixed price per hand, not selected, but taken at hazard from among those who have a sufficient term of imprisonment to undergo to make it worth his while to instruct them in his trade. These are then in a manner apprenticed to him. Those who have but short periods can only be employed in providing for the wants of the others, as cooks, cleaners, &c., unless they are already acquainted with one of the trades which are carried on. The workshops, both here and in other prisons conducted on the same principle, presented an animated scene of busy, cheerful, and apparently willing industry. And here I must remark that the earnest, busy activity displayed in American prisons, and in that great Reformatory, the Western House of Refuge at Rochester, New York, offers a strong contrast to the trifling, dilettanti manner in which boys are allowed to amuse themselves in some English Reformatories which I have seen, where the impression left on the mind of the visitor is, that the inmates are so employed to keep them out of mischief merely, rather than to teach them useful trades. I have been peculiarly impressed with this idea whilst witnessing the operations at a certain Agricultural Reformatory in the midland counties. I attribute this difference, in the case of boys, partly to the greater precocity of American youths—that is, to their earlier development, and that earnestness of purpose so strongly characteristic of Americans, which makes men of them whilst yet they ought to be boys; partly to the practical character of the American mind; partly to their natural aptitude for mechanics; but chiefly to the excellence of the American system

of letting out the labour by contract, the tendency of which system is to attract a body of master workmen to the superintendence of prison labour, who are really masters of their several trades, and whose sole object must be to make good workmen of their pupils or apprentices as soon as possible; whilst in England, the functions of instructors in trades too often fall into the hands of men who have no particular aptitude for the work, which they have undertaken solely for the sake of a fixed salary. Hence the complaints so commonly made in English Reformatories of the unproductive nature of the work done, the spoiling of raw material, and unsaleable quality of the products of labour; hence the very unsatisfactory nature of their balance-sheets, and the necessity for the extremely ample allowance made by Government towards the support of these establishments.

It may be remarked that the American system necessarily precludes the adoption in prisons and Reformatories of any kind of labour unsuitable, or but little suitable, to prisoners. If such employments are tried, it is at the risk of, and to the loss of the contractors: the public interests do not suffer.

No part of the earnings is usually reserved for the benefit of the prisoner, the advantage of having acquired a trade being considered in America, as in fact it is, a sufficient outfit in life to enable him to earn an honest livelihood; but it is common for the master manufacturer to make a trifling present to each prisoner who has served him well on his leaving. It is alleged by the opponents of the system (and I suppose every system in the world has its enemies), that it interferes with discipline, and that the contractors cannot be prevented from giving tobacco and other indulgences as incentives to work. The best proof, however, of the success of the system is the small number of recommittals, and this is very small.

At Boston I found the prisoners employed in shoemaking (this is the great manufacture of Massachusetts) and whip-making. At the great Penitentiary of Canada, at Kingston, Canada West, containing about 700 prisoners, I found these engaged in the manufacture of axes, hoes, and other agricultural implements; furniture, carpenters' tools, shoes, and in squaring building stone for the neighbouring town of Kingston. And here the curious spectacle may be witnessed of convicts engaged in building their own prison, for the whole of the present ranges of cells, and every part except the outer wall, has been raised by prison labour. It is fully expected that this prison will pay its expenses when the drain for building is dried up. The contractors for labour here are chiefly Americans; and I would suggest that, in case of this system being adopted in England, contracts for the labour might be advertised in America, as there is there a considerable class of skilled master workmen of small capital, who compete for such favourable openings for engaging in manufacturing enterprise as this system affords. The payments there are so arranged as to facilitate and encourage this competition.

The system of associated labour is carried out precisely in the same manner in Reformatories. The Western House of Refuge at Rochester

(New York State) is calculated to contain 326 boys, who are all employed, and earn in ordinary times 15 cents a-piece per day, which is about one-third of the expense of their maintenance;* but when I was there, in consequence of the money pressure, their labour was let at 10 cents. Their time was divided thus:—7 hours working, 3½ hours school, 2 hours play and meals. I found them employed in (1) making pegged shoes; (2) tailoring, *i.e.* making their own clothes; (3) coopering, *i.e.* making flour barrels; (4) making rush chairs. Each has a task set, and is punished if he fails to accomplish it. I found them working as busily and cheerfully as possible.

There are forty acres of land attached, which they cultivate under a bailiff, and raise vegetables and milk for their own support and for sale in the neighbouring town of Rochester; and gardening is an employment than which none can be more suitable or remunerative for boys. We know how great the demand for, and the premium on, skilled Scotch gardeners is: why should the supply of skilled gardeners come wholly from Scotland? The profit on raising market produce is known to be great—so great that, in two instances with which I am acquainted of land suitable for market gardens—that is, not particularly rich, but light sandy soil—at Sandby, in Bedfordshire, and Melbourne, in Derbyshire, both situated at a distance from large towns, market gardeners can afford to pay 5*l.* and 6*l.* per acre rent, and yet make a good profit. Gardening, as an employment, is the most healthy that can be, and the boon that would be conferred on our large towns by cheapening vegetables, and placing them more within the means of the operative classes, is inconceivable. The system here works well, and recommittals are of very rare occurrence.

It appears, then, that this system of associated labour works satisfactorily in America, and so economically, that where properly administered, it can be made, in the case of adult male prisoners, to cover the whole expense of custody; in the case of women, one-fifth; of boys, one-third.

Let us now consider what kind of articles might well be produced by the labour of prisoners in England. I have above classed them under four heads:—

(1.) Those consumed but not produced in this country.

(2.) Those consumed in our colonies and produced in foreign countries, or supplied by one foreign country to another.

(3.) Those consumed in our colonies and produced here, but of which the demand presses hard on the means of supply.

(4.) Those which are neither produced nor used in England, but which, judging from their known success elsewhere, there is reason to believe might be advantageously introduced amongst ourselves.

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* I doubt if the statistics of any Reformatory in England exhibit as favourable a balance of revenue and expenditure. The earnings of the boys at some of our Reformatories (as that in Euston Road, London) are stated at about the same as at this, viz., 11*l.* per annum, but the expense of maintenance is much higher—betwen 40*l.* and 50*l.* per head per annum; at the Western House of Refuge, New York, only 33*l.*

Of articles in the first class, I will confine myself to the mention of one or two which now come to us from America, and some of which are undoubtedly produced by prison labour there, — brushes and brooms made of broom corn, and American buckets and wooden hollow ware. The broom which I show is made of broom corn, which is grown largely in the State of New York for this purpose; and the export of brooms thence to all parts of the world is very great. In my opinion it makes the best of all clothes brushes and carpet brooms. It is a manufacture which would surely cost but little trouble to acquire, and but a small capital to commence, for the material is cheap, and the process entirely performed by hand. The fact that the 'Shakers' of Lebanon, a community who possess landed property, and live in great comfort, engage in the manufacture of these brushes, appears to me a guarantee that the production of them is a safe and profitable business. Since the brooms are imported with a profit into England, it is obvious that the raw material might with greater profit be imported, inasmuch as labour in America costs more than in England. The broom corn is grown in the Mohawk Valley, near New York, and elsewhere. These brooms are also made in Italy, where the corn grows well.

American buckets and tubs are articles with which we are all well acquainted. They also are occasionally made in the prisons, and there appears to me no good reason why they might not as well be made in our prisons.

Shoes riveted with iron and with brass tacks are coming into favourable notice in England, and the demand for them increasing. I cannot help considering the manufacture of pegged boots a more suitable employment for boys than that of sewing and closing boots. There is a cheerful sound in the ring of the hammer, and a healthful exercise of the muscles in wielding it, very different from the constant bending over the last which stitching requires.

Pegged and riveted shoes and boots form another branch of manufacture largely carried on in American prisons The demand for these is not at present great in England, but is very large in our colonies, particularly in the gold colonies, which are now supplied with American boots and shoes to a much greater extent than with English ones. The fault found in England with them is that they are not so easily mended as sewed ones are; but then, when well made, they last longer than the others before needing repairs, and this is the point of most importance at the gold fields. English leather is so much better tanned than that made in America—which is chiefly tanned with hemlock bark—that this trade might probably be without difficulty recovered by us, if we took the same pains which the American manufacturers take to supply the colonies with the precise article they require.*

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* In fact, all their best sole leather comes from England: hence we could probably undersell them in the foreign market, for the hickory pegs with which the shoes are fastened, form but a trifling item of the expense.

Under the second head may be mentioned, besides boots and shoes, axes after the American pattern, of which the demand in the densely wooded colonies of Australia, New Zealand, Van Diemen's Land, &c., appears insatiable. The export of American axes is immense to all those parts of the world which are filling up with a white population, such as the Australias, California, South America, and the South Sea Islands. Some leading American hardware manufacturers (as Mr. Collins) have taken infinite pains to ascertain the exact patterns required for the particular descriptions of wood in these various countries, and manufacture them to suit the popular taste. The manufacture of axes is largely carried on in American prisons, and this again is a branch of manufacture and trade which, it appears to me, we might with ease reclaim; for the advantage which we possess over the Americans in our steel is incontestable: in fact, the steel they use in these axes, which they export so largely to our colonies, is English steel.

Of articles in our third class may be mentioned beer barrels. The extraordinarily rapid growth of Burton-on-Trent furnishes sufficient evidence of the constant increase in the demand for English ale in our colonies and India. Nor is there any likelihood of this increase progressing less rapidly in future, for the demand for this greatest of all luxuries in hot climates is quite concurrent with the advance in wealth of these most flourishing communities. An increased consumption of ale of course implies an increasing want of barrels; and that the manufacture of these is a very suitable employment in prisons is evident from the great extent to which, not beer barrels exactly, but flour barrels, are made in American prisons, both by men and boys. It is a manufacture which is greatly aided by steam power, for the cutting and shaving of the staves; and with this aid the barrels are turned out of hand with great celerity and accuracy. The cost of a flour barrel (which contains 196 lbs.) thus made is about 15 cents. The employment appears rather interesting, judging from the cheerful alacrity which one observes in a prison workship full of boys engaged in this task. The secret of this perhaps is, that instead of being a sedentary occupation, it is one which keeps them constantly on the move.

The demand for harness and saddlery, again, advances, *pari passu*, with the rapid advance in wealth and luxury of the gold colonies; and much of this increasing demand is now supplied from the great workshops at Newark, in the neighbourhood of New York. This, again, is a branch of manufacture found suitable for prisoners in America, and why not here?

I will mention another large class of manufactures in which, I regret to say, there appears some risk of America gaining the colonial markets at our expense; and I view with peculiar jealousy any encroachment by America on these our legitimate markets, for it is not only the actual pecuniary loss to ourselves which is involved, but also the substitution of commercial relations between our colonies and America, for those intimate bonds of trade which we have hitherto

enjoyed with them, is likely to tend to the weakening of the sympathies which now constitute almost our only hold on our colonial empire. The class which I mean is that of ploughs and other agricultural implements. These, as constructed in America, are for the most part simpler and more handy than ours, and much cheaper; better adapted than the corresponding English ones for subduing the wilderness, and more suited to the means of the pioneer farmer. They are besides usually made with particular reference to being easily taken to pieces, for stowage and transport, which is a matter of great importance, because the freight and land carriage of implements to these distant regions frequently exceeds the first cost. The mention of agricultural implements leads me to the last class, namely, that of articles which are neither produced, used, nor known here at present, but which are found to answer well elsewhere, and might probably be introduced with success. There are doubtless many such in various parts of the world which are unknown to me, but the one to which I wish to draw attention is the American 'horse-powers,' as it is called, a machine which is so universally used in America, and found so serviceable and economical on small farms, that it is surprising it has not as yet met with attention in England, and the more so, inasmuch as it was some time since favourably noticed by the Royal Agricultural Society, and made the subject of a special report, by desire of the committee. Now this is a machine constructed almost entirely of wood—simple, plain, and requiring no particular skill in the manufacture; hence no difficulty could attend the construction of them in prisons, and this opens the question, whether contracts for other such simple implements as wheelbarrows, shovels, picks, which are occasionally required in unusual quantities for some such emergency as the construction of a railway, might not be taken in our large prisons, if the simple tools required for their manufacture were there, and the available labour were organized for such purposes. Might not the fear of a competition which would be beyond the reach of intimidation operate as a wholesome check on the occasional unreasonableness of associated bodies of workmen? There are many other articles of general use, such as gates, and doors, and sashes, which are made on the wholesale plan in America for the home market and for export; and these already compete with our home-made ones in supplying the wants of our building trade in England. Why should not these American wares be excluded, by the manufacture of them on the large scale in our prisons? I throw out these suggestions in the hope of provoking a discussion of the whole subject.

How to War with Crime. *By* T. B. L. Baker.

The system of dealing with young offenders which of late has been generally adopted, has, on the whole, been so successful that I believe many besides myself would wish at least to try whether it may not produce similar results on those of a more advanced age.

This Section has now for the first time announced as one of the heads for the classification of papers—'The Treatment of Adult Offenders, whether in Convict Settlements, Prisons, or Reformatories.' It is then, surely, of great importance that we should consider, and consider carefully, what are the means which have produced the diminution of juvenile crime, and how the same means may be applied with equal success to adults.

I confess I have often been inclined to regret the name which has usually been given to our system. The world judges more by the name than by the fact, and I believe if you were to ask even all those who profess to take an interest in the subject, that one-half of them would say that the system which has worked so well consists in taking every bad boy, and putting him through a certain process, which always makes him quite good; indeed, it only requires to be improved by enabling us to take every boy who was likely to become bad, and thus, one by one, extirpate evil from the world. I need hardly remind you, however, that the one portion of the plan would much resemble the scheme of building a hospital to receive all those who were in good health to prevent their falling sick, while the other resembles the humane proposal of two men to conquer an army without bloodshed, by catching each enemy singly, and tying his hands behind his back. Still the public will always argue that if the reformatory system has worked well, it can only be by the reformation of individuals that the effect can have been produced.

Now, it is most important that we should carefully examine what have really been the causes of our success, and how far we may hope for a continuance of it when differently applied. I have always believed that our mission was not merely that of improving individuals in detail. Far be it from me to depreciate the value or the honour of such a task, or to say that it ought not to form a highly important branch of the work, but I believe that our mission is both higher and broader. Our object should be to war against crime—to endeavour to diminish general crime, by warring against that temptation which we so earnestly pray that we ourselves may not be led into. How, then, can this general war be carried on, and made a war of extermination?—Not by a separate action on each individual, but by a regular system, wherein each part shall receive its due attention. Our aim must be, first, to reduce as far as possible the temptation to the uncorrupted; secondly, to give exactly such amount and kind of punishment to criminals as shall be best adapted to promote a cure; and, thirdly, to take special care that their return to society be guarded as much as possible from temptation to relapse again into crime.

Forgive my repeating that we ought to consider, and consider very carefully, what shall be our object in dealing with criminals. Hitherto we cannot but feel that it has been 'the vindicating the majesty of the law—the compelling a criminal to expiate his offence by a corresponding amount of punishment,' accompanied by a sort of general idea that this same punishment is the only, or at least the best means for deterring others from following his example.

Now, as to the 'vindication of the law,' it is a very nice phrase; but as to the expiation of the offence, I beg to deny it altogether.

An offence may be expiated before God by a sincere repentance. It may be expiated before man by a full compensation to all who have been injured. But expiation by a forced and involuntary punishment, entirely passes my comprehension or belief. So far it is simply the *lex talionis*, or the rule of tit for tat. 'If you hurt me, I'll take it out in hurting you again.' And is it thus that the majesty of the law is to be vindicated?

This principle has been of late years universally condemned, though I think there are few who have seen much of our courts of justice who will deny that our sentences are mainly guided by it.

It is true that another feeling is strongly mixed with it—viz., the hope of deterrence. This is a sound and a good principle, and where successful, a means of lessening temptation to those who have not yet fallen. It has been the sole influence to which, of late years, we have trusted; and there can be no doubt that it has done very much to lessen the increase of crime. But though I fully believe that it ought to enter largely into every system of jurisprudence, I think that it requires more care and knowledge of the subject than is often bestowed upon it to use it to the best advantage; and I think that there are other influences quite as powerful that may and ought to be used with it. To judge accurately what deterrent effect a certain sentence will possess, we ought to have a pretty intimate acquaintance with the personal habits and feelings of the criminal class, and to know more especially what really is the nature of the punishment that is awarded, and how that punishment is felt and estimated by the criminal and his associates. How rarely is such knowledge accurately gained, how often is it not so much as sought for? A magistrate who has for some time visited a neighbouring prison may possess it if he has taken sufficient interest in the subject. A country gentleman accustomed, as most of us are, to studying the habits of the lower classes, would occasionally be brought in contact with criminals; but a very large portion of us must feel that we know very little of them in any other state than when they are brought before us for trial, and when, of course, all their thoughts and feelings are as little as possible open to us.

We must in no degree measure their ideas by what we ourselves should suffer from a certain amount of punishment, but we must have considerable experience in the habits and feelings of their own class, to judge what effect will be produced by it, either in '*esse*' on the convict, or in '*posse*' on his associates. Now, if such be the case with magistrates, how much more likely is it to be the case with the higher authorities? I believe there is not a class of men in the world more worthy of all respect, both for high talent and honourable feelings, than the higher members of the profession of the law in England. I believe that no men could be more fit to manage a trial,

to sift the evidence, to assist the jury to bring a true and fair verdict. But what opportunity have they for knowing either what effect a certain sentence will probably produce on the criminal before them, or still less what effect that sentence is likely to produce on the criminals yet undetected, or on the still larger class whom we hope to prevent from falling into crime? Nay, how often have they an opportunity of knowing, when they sentence a man to three months' imprisonment, whether he is to pass that term shut up in a large room with twenty more in idleness, or in picking oakum in a warmed and ventilated cell, or in turning a crank, or on the treadmill?

Were we to ask a barrister of the highest talent and judgment how to cure a disease, and prevent the infection from spreading, he would answer, 'Before I can give you an opinion, I must not only have heard that certain medicines are good, but I must have tried them and watched their effect on different constitutions; before I can prevent a contagion from spreading, I must know the nature of the disease itself; and above all, I must know what is the nature and strength of the remedy I am prescribing.' Yet, when that barrister is made a judge, he is called upon and obliged to say exactly what dose of an unknown kind of imprisonment is sufficient and necessary to cure the criminal, and to make others fear to follow his example.

But, as I have said, there are other influences which ought to be used with that of deterrence, even were this power made the most of. I do not now speak of the improvement in head and heart of the mass of the people by a sound and religious education. That is a subject belonging to another department. I mean that in our dealing with criminals we have other means of warring with crime; and if we have the means, we cannot be justified if we do not use them. How, then, can we do so to the best advantage?

We must, as I before said, in order fully to grasp the question, consider—first, how to reduce the temptation to the uncorrupted; secondly, how to give such an amount and kind of punishment to criminals as shall be best adapted to promote a cure; thirdly, how, when they return to society, to take care that (especially at first) their temptation to relapse shall be as small as possible.

Let us consider these three points. The first has hitherto been aimed at only by deterrence, and no doubt this has done much. Had criminals not been punished, many more would have fallen into crime. But there are other means which we can and ought to employ, especially that of the removal of infection. What is our present practice? A regular thief is frequently brought up, with proofs of its being the third, fourth, seventh, or tenth conviction, and sentenced to three months' imprisonment, although it is just the same sentence which has been tried and has failed before. After every such remedy tried, the man has been necessarily turned out again and again amongst his old associates—some as bad as himself, some but little corrupted. Do you suppose that he will come out and tell all his 'pals' how wretched

he has been, and urge them never to risk a similar punishment; or will he not rather brave it out, and tell others not to be frightened at it? If so, your system gives but little deterrence, but much and constantly recurring contamination, and this very contamination is just the worst temptation to the uncorrupted. Could the often-convicted felon, the hardened, regular criminal be removed from the yet uncontaminated, would not crime be necessarily diminished? It is true, indeed, some gentlemen have broached a theory which one can hardly speak of gravely, it is so absurdly plausible and wrong, viz., that as the supply always equals the demand, so while pockets and houses exist, there will always be a supply of nimble fingers and crowbars to pick and break them. By the same rule it would be absurd to root out the weeds from a ploughed field, because you would thereby create a demand for more weeds to come there; or that the removal from a town of a great number of cases of scarlet fever would cause an equal number of healthy men to be attacked by that disease. The gentlemen apparently forget that weeds, scarlet fever, and criminals are not exactly subjects of demand, and therefore are not supplied quite so certainly as necessaries of life.

If, then, we can gain the two points of deterring the hitherto uncorrupted by a treatment likely to appeal to his peculiar fears, and at the same time guard him as much as possible from contamination, we may hope for more success in this first branch of our object than we could obtain on the old system.

But our second consideration is: How can we give such an amount and kind of punishment to criminals as shall be likely to promote a cure? What has been our practice in this? We have taken the criminal; we have removed him from his evil associates; we have placed him in a separate cell; we have taught him the rudiments of tailoring, shoemaking, or weaving, or a pretty thorough knowledge of oakum-picking; we have given him books, and what is better, the services of an excellent chaplain and schoolmaster to direct his use of them. Now, all this is good in its way, but is not quite all that we want. Tailoring, shoemaking, and weaving are very good things for a man to learn; but they are not the trades at which a prisoner fresh from jail would be most likely to get employment. Neither are they the most healthy for the body or mind of a criminal. Your regular town thief takes to them readily, but they give but little real employment for his active mind. While stitching at his coat or shoe, his thoughts have plenty of time to revert to his former occupations, and to think of his friends whom he left six weeks ago, and amongst whom he hopes to find himself in six weeks' time. At night, too, he is less tired, and more inclined to reminiscences than is desirable. But the principal evil is that he is kept for an arbitrarily fixed period in a perfectly unnatural state, absolutely removed from all temptation, by way of preparing him for the natural state, with a more than ordinary number of temptations, incident to his first leaving jail. It is as though, in an hospital, we

should give a patient the best possible treatment, but keep him in bed till it was deemed advisable to discharge him, and then tell him at once to go to work in wet and cold. The mind, like the body, requires a gradual hardening. Neither will endure a sudden transition with safety.

This applies with equal force to the third point of our consideration, viz.: 'How, when they return to society, can we take care that, especially at first, their temptation to relapse shall be as small as possible?'

Our present system of treating adults is, as I have said, to keep them in a square box for a certain arbitrary period, and then to open the gates, and turn them at once into the world to shift for themselves.

Is this a system to benefit either the individual thief or the general public? It is acknowledged on all hands that a discharged prisoner is not the most eligible of servants. Yet we must allow that if he can get no honest means of living he will steal; and even while we condemn him for doing so, we allow that he must do it, and we pity him.

What, then, is the effect? When he is discharged—his hands and muscles soft and unfit for hard work—he seeks employment—either telling or concealing the truth. The number of those who tell the truth is naturally so small that each employer is afraid to be the one to take him—and the man starves or steals. The rest, *i.e.* those who conceal the truth, are probably taken into employ, and very often the master who has refused the truth-telling servant, whose history he knew, and therefore knew that he must be cautious in trusting him, takes as an honest, unsuspected servant the man who only differs from the first in his having added lies to theft. Can we blame a man who conceals the fact of his having been in prison? Even our highest authorities on the subject tell us that it would be fatal to a man's chance of honest living if the police were to know his history; because they would tell his master the truth, and that would get him turned off. If so, our system is based upon a concealment of truth! Is this defensible? Can we sanction that when a man comes out of a cell, warmed and ventilated till he can scarce breathe, unused to the external air (to say nothing of wind, cold, rain, &c.), with hands and muscles soft, and unused to labour—the only trades which he has half learned being tailoring, shoemaking, or weaving—trades at which some inquiry as to character is likely to be made—he should be compelled to take his first step in his new and supposed improved state by a careful concealment of the truth? Is it fair or just to the public that 84,856 men, besides women, should be annually sent forth with the sanction of the highest authorities of the Government for their representing themselves as honest and fit for places of trust? Nay, not only our authorities sanction it, but our old system compels it. Surely it would be much better for the public to take these men willingly, when they would be forewarned and therefore forearmed, than unwillingly, when they encounter the danger without the caution.

If this be so, our great desiderata are—first, to deter the uncontaminated by the dread of such a punishment as would appear particularly repulsive to his feelings (not to the feelings of some clever theorist who has no acquaintance with the class, but assumes that they all feel just as he does), and at the same time to keep him as far as possible from the contamination of old, clever, hardened offenders.

Secondly, to work a cure on the prisoner, he must not only be punished, not only be taught, but he should be gradually prepared for freedom, by being gradually brought into such a state as he is likely to find himself in when discharged; and not to be kept in a hothouse by way of preparation for being turned out in a hard frost.

Thirdly, when discharged, he should be if possible provided with means of living honestly without lying, and, at the same time, the public should be as far as may be guarded against receiving him quite as a man who had never gone astray.

But, are these desiderata possible? I think that the system called the Reformatory system has exactly done it with boys; and that which is called Captain Crofton's system has done it with Irish convicts; and the system of Sir Joshua Jebb's Refuge at Fulham has done it for female English convicts.

All are modifications of the same system, and all work well, though, in my own opinion, the modifications of the reformatory schools have advantages over the others. In them the length of the detention, two to five years, in place of three months, has undoubtedly proved a strong deterrent, while the simple physical separation has prevented the contamination of those left. In places where it has worked fully, there is not such a thing in existence as a thrice—scarcely as a twice convicted boy. The correction of the offender beginning with a fortnight or more of sharp solitary confinement, then a long period of hard work, gradually obtaining more liberty and more indulgence as his conduct improves—with a constant liability to return to prison if he makes ill use of the degree of liberty he has acquired—is as good a system as we can well imagine to effect a cure, and to fit him for a return to the world. And when, so far as we can see, he is fit to be trusted, he is not at once thrust out to seek his bread unknown, but is permitted to go on trial to a master, with the knowledge that if he be found not only stealing, but idle, deceitful, or the like, he will be returned to the reformatory. No one can take him in ignorance of his character; he will usually get a hard place, though not so hard as his work at the reformatory; but he will have an opportunity of gaining an honest character that he can show fearlessly and truthfully.

The Irish convict system is nearly the same—only the solitary confinement takes a larger part of the sentence, and the licence to work in freedom, but under surveillance, is granted for a shorter period; but there are two stages in the gradual progress to liberty between the solitary imprisonment and the licence—viz., the strict hard labour of Spike Island and the freer labour of the intermediate prisons. The same system has partly been adopted in the English

convict establishments for males—where Pentonville forms the first stage, and Portland, Dartmoor, &c., the second; but, unfortunately, the third and fourth stages—viz., the intermediate prison and the licence to work under surveillance, are wanting; and the transition from the strict confinement of Portland to that peculiar state of independence, which is caused by having nothing to depend upon, is unfortunately abrupt. But the female convicts have the same advantages as the Irish, and the results are proportionably successful.

Finally, if this be true, our duty is—not to dwell merely on a school where some individual boys may be reformed—not upon a particular treatment of convicts, as a matter set apart and separate from those committed for shorter periods, but to look upon crime as a whole, and to endeavour to diminish it to the utmost. If the system which appears natural and truthful has been sanctioned more or less by our convict authorities both in England and Ireland—if, wherever it has been tried, it has succeeded just in proportion as it has been more or less fully carried out—if the system pursued with boys be pretty well identical both in operation and success—surely it is now high time to throw aside the barbarous remains of our old system, and assimilate the treatment of those who now fill our jails to that which, whether under the name of the Irish convict or of the Reformatory system, has both the force of reason and the test of experience to prove its efficacy.

TREATMENT OF YOUNG OFFENDERS.

The Reformatory and Refuge Union. *By* MARTIN WARE, JUN.

IT has been thought desirable that I should make a short statement of the operations of the Reformatory and Refuge Union during the past year; not so much for the purpose of explaining the nature and objects of the Union, which are now well known through its printed Reports and other publications, but because, supplying as it does a centre of communication between those who are engaged in the same work in all parts of the country, an account of its operations presents a general view of all that is being done in the reformatory movement.

The utility of such an Association becomes every year more apparent. Interest is now so widely felt in the prevention of crime, and the reformation of criminals, Institutions for these purposes are so numerous, and the experience of their promoters so varied, that some centre for the diffusion of information and interchange of opinion, and occasionally also for combined action, is most desirable. The Union has also been very useful in promoting the establishment of fresh Refuges, and securing their efficiency when established, by advice and assistance in various ways, and sometimes by pecuniary grants.

Before entering upon the particular subjects which have engaged the attention of the committee of the Union during the past year, it may be interesting to state the present condition of the Reformatory movement as found detailed in the publications of the Union, and the reports of the Government Inspectors.

We have had great cause for thankfulness in the spirit which has actuated those who have laboured in this work throughout the country. It has been undertaken not by mere theorists, but by those who have the interest of the unhappy and neglected children at heart, and are willing to give their own personal exertions in furtherance of this object. They have also been for the most part persons who have felt that the work is evidently a Christian duty, and who, in all their schemes, have borne in mind that all real reformation must be based on religious principle, and that their efforts must be begun and carried on in humble reliance on the Divine assistance. The result has been that while there has been a rapid increase in the number of institutions for the prevention of crime and reformation of criminals; there has also been a careful and patient attention to the improvement of the moral and industrial training to which the inmates are subjected.

The number of existing Reformatories in Great Britain—by which I mean those certified under the Youthful Offenders' Act, 17 and 18 Vict. c. 86—was, according to the Rev. Sydney Turner's last Report, on December 31st, 1858, as follows—

England—Boys		34	Scotland—Boys		3
	Girls	12		Girls	3
	Boys and Girls	1		Boys and Girls	4
Wales	Boys	1			—
		—			10
		48			

In all 58; of which six were for Roman Catholic children, viz., three for boys and two for girls in England, and one for girls in Scotland.

The number of children under detention in the schools in Great Britain on the same day was as follows—

Boys	2302
Girls	495
Total	2797

These figures show an increase of six Reformatories, and of 474 juvenile offenders under detention during the year.

The number of Refuges and Industrial Schools—by which I mean those not certified under the Youthful Offenders' Act, but including those certified under the English and Scotch Industrial Schools' Acts, (20 and 21 Vict. c. 48, and 17 and 18 Vict. c. 74)—cannot be so correctly ascertained; but those in Great Britain which are in communication with the Reformatory and Refuge Union amount to 87, and contain at the present time nearly 8000 inmates. To these numbers should be added about 250 boys in the ten London Shoeblack Societies, of

which nine are Protestant and one Roman Catholic, and a few voluntary cases in certified Reformatories, and we have a total of 155 Institutions, and upwards of 11,000 boys and girls under preventive and reformatory treatment in Great Britain.

In Ireland there are at present only 3 Reformatories for criminal children, which have been recently opened under the Irish Act, 21 and 22 Vict. c. 103, two being for Protestant and one for Roman Catholic boys. There are, however, 9 Industrial Schools and Refuges for voluntary inmates, of which 3 are for boys, 4 for girls, and 2 for children of both sexes.

There are besides, in Great Britain, 62 Penitentiaries and Homes for fallen females, and 2 in Ireland, containing accommodation for more than 200 inmates, and various other institutions, which may be considered auxiliary to the reformatory movement, such as the Discharged Prisoners' Aid Societies, of which there are at present 12 in Great Britain.

Two important Reformatories which have come into existence since last October deserve particular mention. One is the Middlesex Industrial School at Feltham, so much needed and so long delayed. It was opened on the 1st January last, and is intended to accommodate eventually 400 boys, but only about 80 have at present been received. This school is established under a separate Act (17 and 18 Vict. c. 169), and its support is derived from the county rates. It is also peculiar in not admitting boys above 14 years of age.

The other newly-established Reformatory is the school-ship, *Cornwall*, which is moored off Purfleet, and is able to accommodate 200 boys. The establishment of a school-ship on the Thames in the place of the *Akbar* has long been a subject of great anxiety to the committee of the Union, and the accomplishment of this object is mainly owing to their efforts. The *Cornwall* was formerly a 50-gun frigate, and was granted for this purpose by the Admiralty, who also afforded considerable aid towards the rigging and fittings of the vessel.

I may here mention with satisfaction the statement in Mr. Turner's Report, that out of the 772 cases admitted into English Reformatories during the past year, in 340 the parents are paying towards their children's maintenance. In addition to these, the parents of 257 other children admitted in previous years are also under payment. The total amount collected from parents in the past year was 1153*l.* 16*s.* 8*d.*

With respect to the present results of these philanthropic efforts it is difficult to form a correct estimate of them at the present time, while so many of the institutions are in their infancy. It is, however, very satisfactory to find that their influence is beginning to tell perceptibly on the amount of juvenile crime, not only in the immediate districts in which Reformatories are situated, but in the country at large. The number of juveniles under sixteen sentenced to imprisonment in the year ending September 30th, 1856, was 13,981; in 1857, 12,501; and in 1858, 10,329. The diminution of commitments for 1858 was, therefore, above 17 per cent. as compared with 1857, and above 26 per cent. as compared with 1856.

Several Reformatories and refuges have not their full complement of inmates, while others are unable to supply the wants of the districts in which they are situated. The Union, therefore, undertakes to assist magistrates who are desirous of committing children to Reformatories, by procuring their admission into schools where there are vacancies. This branch of their operations has been peculiarly useful in the metropolitan district, and the want will still be felt by the London magistrates in the case of boys above fourteen years of age, who are ineligible for admission into the new School at Feltham; and also in the case of girls, for whom there is at present no county asylum. There will also continue to be many cases in which the managers of country Reformatories will be willing to receive children from a distance, either to supply vacancies, or in exchange for children of their own whom it may be desirable to remove to a distance. 35 boys and 8 girls have been received into certified Reformatories during the past year (ending 1st October, 1859) through the intervention of the Union. The Committee have also been the means of obtaining admission for 36 boys and 11 girls into various uncertified Refuges; making a total of 90 children provided for in this manner during the year.

Another subject to which the attention of the Union has been directed is the Industrial Schools' Act (20 and 21 Vict. c. 48), which the committee have endeavoured to bring into active operation, by disseminating information as to its provisions, and by bringing the subject before the notice of the metropolitan police magistrates. Up to the present time 10 industrial schools have been certified under the Act in London and its neighbourhood, and 9 in other parts of England. Of these, 6 are for boys, 8 for girls, and 5 for both sexes. So far as I have been able to ascertain, however, the number of children as yet committed to these schools has been very small, probably not more than 20 in all England. As another paper will be read at this meeting on the Industrial Schools' Act, it is unnecessary to add more on this subject at present.

It must always be borne in mind that the decrease in the committals of juvenile offenders, to which I have before alluded, ought not to be altogether laid to the credit of the certified Reformatories, but is, no doubt, in part the result of uncertified Refuges and Ragged Schools, and generally of the persevering efforts of those who have been now for many years labouring, in various ways, for the benefit of outcast and destitute children. The general interest which is now felt in certified Reformatories, and the liberal grants which the Government of the country has voted towards their support, have necessarily led the committee of the Union to devote their special attention to the encouragement of those intended for the reception of voluntary inmates. Under these circumstances the committee, in common with the great body of those practically acquainted with the condition and wants of the vagrant and destitute children in the large towns of England, received with great regret the minute of Privy Council of 31st December, 1857, withdrawing the principal part of the grants in aid of Industrial Schools and Refuges for the re-

ception of voluntary inmates. The steps which the committee have taken to induce their lordships to reconsider this minute were stated in a paper read at the last meeting of the National Association, and the correspondence between the committee and Mr. Adderley has been since published. The efforts of the committee have unfortunately been at present unsuccessful, but they trust that the supporters of Industrial Schools who are affected by the minute will not allow the matter to drop.

It is evident that however efficiently the Industrial Schools' Act may be worked, the number of children who can be convicted of vagrancy, and committed under the Act, must always be a very small proportion of the young persons who are suitable objects for Ragged Schools and Refuges. It must therefore be a matter of regret that a fair share of the money devoted by the State to the education of the poor should not be applied in the training and instruction of this very numerous and dangerous class.

In proportion as aid from the Privy Council is withdrawn from institutions of this nature, their claims on private benevolence are increased. The committee of the Union have accordingly opened a special fund for the purpose of aiding uncertified Refuges, and they have determined that all Institutions so aided shall be visited by inspectors appointed by the Union, in order to see to their efficiency and to the proper application of the money. This fund is at present of small amount, but eight Refuges have already received grants from it.

The subject of emigration is one which occupies much of the attention of the Union. Mr. MacGregor, a member of the committee, visited Canada in the course of last autumn, and was enabled to make personal inquiries into the condition of emigrants of this class already settled in that colony. The result of his investigation was generally very favourable, and he obtained promises of co-operation from the Government emigration agents in various towns.

A benevolent gentleman, much interested in emigration, having offered to provide a free passage for a limited number of boys from reformatory institutions who could be properly recommended, the committee invited applications from the various Reformatories and Refuges throughout the country. 59 boys were recommended, all of whom were carefully examined, under the direction of the committee, as to their attainments in reading, writing, and arithmetic, and in knowledge of the Scriptures, and as to their general fitness for emigration; 21 were rejected or withdrawn, and the remaining 38 were sent out to Canada in the early part of the summer. It should, however, be remarked, that the prospects for boys in Canada are not so good as formerly, and the committee of the Union would be glad to receive information as to the opening for such emigrants in other colonies. I may mention that 12 boys have been sent this year from St. Giles' Refuge to the Cape of Good Hope, and 16 girls to Canterbury settlement, New Zealand, from the same Refuge; and the accounts received from such as have arrived have been very satisfactory.

A sub-committee has been zealously occupied during the past year in penitentiary cases. Two female missionaries have also been engaged seeking out those unfortunate young women who are desirous of abandoning their evil courses, and directing them to places of shelter, and a special fund has been opened for this object. During the last twelve months 114 young women have been rescued from the streets by this instrumentality, and placed in asylums, or otherwise provided for. The committee have also published a handbook containing a brief account of 50 Penitentiaries and Homes in England for fallen females, of which 18 are in London and 32 in the country.

For the purpose of encouraging the industrial work carried on at Reformatories and Refuges, the Union have every year a public exhibition of articles made at the various institutions throughout the country. The last was held at Willis's Rooms in April last, when specimens of labour from 41 institutions were displayed. The Union has also stalls at the Crystal Palace and the Kensington Museum, where samples are exhibited and orders received.

Among the miscellaneous operations of the year may be mentioned the grants of books for lending libraries, obtained at half price from the Pure Literature Society; the recommendation of masters and matrons to several institutions; the conducting through London of boys and girls passing to and from country Reformatories; and the transmission to the managers of institutions particulars of inmates absconding or dismissed.

The committee have derived great encouragement from the friendly spirit in which their communications are received by managers of reformatories of all Christian denominations, and from the facilities afforded them for acquiring the information which they are desirous of disseminating. They sincerely trust that the same sympathy and cordial co-operation may continue to exist, and that all who are engaged in this important work may be enabled to follow with patience and perseverance in the footsteps of Him who came to seek and to save that which was lost.

On the Educational and Economical Advantages of Large as compared with Small Reformatories. By the Rev. William Fraser, *Free Middle Church, Paisley.*

The limited consideration given to this subject in the conference of last year, its vast importance, and the obviously unsettled state of opinion on the practical questions then raised, induce me to offer the results of further investigation, and respectfully to solicit a fuller and more matured discussion of the issues involved. I venture the more readily on this course, because I am persuaded that one of the chief means by which the Social Science Association can best promote the public welfare is its power of correcting local, and necessarily

limited experiences, by conclusions resting on the comparative experience of all.

In dealing with this subject, I shall confine myself to two questions.

First. What are the objects of Reformatory Institutions? and

Second. How may these objects be most effectively realized?

A brief answer to the first question will suffice.

The special aim of Reformatories, it will be generally admitted, is twofold—namely, to give a new mould and fresh impulse to character, and also to supply the means of maintaining that character through life. If our Reformatories are really to be effective as national institutions, they must not only check the vicious habits of each individual offender, but implant and foster right principles; they must not only be active, negatively, in preventing the infliction of social injuries, but active, positively, in promoting public safety—in short, they must convert the elements of our social waste and weakness into sources of national productiveness and power.

This necessitates two distinct yet co-ordinate educational processes—the one mental and moral, the other manual—and both essential to the intelligence, industry, independence, and social strength of the reformed community.

Admitting this to be the general aim of Reformatory Institutions, and admitting also the necessity of this union in the education of the young, the second question here presses for consideration—How may these twofold processes be most effectively carried forward? how may the mental and moral be so thoroughly associated with the manual, or mechanical, in Reformatory training as to secure the permanent recovery of the offender, and place within his reach the independence, quiet enjoyments, and public usefulness of industrial life.

The history of benevolent effort on behalf of juvenile offenders presents us with many interesting, though broken theories and experiments, and some partial successes in the attempt to meet these practical questions; but I pass them without remark, that I may at once direct attention to the working of those Institutions which are already most effectively meeting the greatest number of our difficulties, and with which the benevolence and the statesmanship of the country have much reason to be satisfied. Public opinion seems divided between the two classes of Reformatory Institutions, with a preponderance, I think, in favour of large Reformatories; and the question to be considered now is: Can the objects above specified be better secured in large than in small Reformatories, and are the differences in result so great as to warrant the Government to break up gradually, and ultimately displace, the small Institutions, for the purpose of supporting Central or Provincial Establishments?

I admit the difficulties which beset this subject, and the plausibility and force of some of the arguments urged on behalf of small Reformatories, and I venture only under strong convictions of the importance of the subject, and of the consequences of the mistake made, to press on you opposite conclusions.

The educational advantages of the largest Institutions embracing the two departments of Reformatory training—the mental and moral, and the manual, or mechanical—are so great as to make comparison difficult. The young offenders thrown into our Reformatories from amid the simmering and seething elements of poverty and filth, ignorance and vice, are yet rational, responsible, and immortal like ourselves, with minds as complicated in structure, with yearning sympathies to be met, and with moral powers to be as sedulously trained as our own. Their education, when entrusted to us, should proceed on these distinct recognitions. To ignore them is to cast aside the very forces of life which Reformatories are intended to mould and guide; to withhold from the sinking and sunken young thrown on our care, often by the wild circumstances of a life which they could not control, any of those agencies of moral and industrial training which the children of our provident day labourers and artisans ordinarily enjoy is, to say the least, highly impolitic. The young offenders, if to be really reformed, must be thoroughly taught: a love of knowledge must be imparted, respect for authority and law established, the ambition to excel aroused and guided, the social sympathies must be cherished, and conscience educated. In order to these results there must be the energy, prudence, and devotedness of an accomplished teacher, the stimulus of class competition, and the power of sympathy of numbers wisely wielded on the side of right. Well-regulated classes of lads at the same stage, and the influence of sympathy of numbers and of public spirit, cannot exist in small Reformatories.

To make up for these obvious defects, it is argued they have in small Institutions a greater facility of individualizing character, and meeting idiosyncrasies of intellectual, social, or moral habit, and that more of family influence is attained. But I question whether the advantages are here on the side of small Institutions. In so far as individualizing character is concerned, the advantage is decidedly on the side of the large establishment, because some of the higher qualities of character can be brought into play among masses only. A boy's character having within it the elements of decided power may never be appreciated because it had no opportunities of making itself felt. And as to the advantages of the much-bepraised 'family principle,' I have merely to say that they must, in the very nature of things, be mere assumptions, and that the arguments usually adduced rest more on the romance of philanthropy than its reality. With boys of eight, ten, or twelve years of age, it is utterly impossible to reproduce the influences of natural tenderness and reciprocated family affection. It is, whether in a large or small Institution, but a mere expedient, a mere artificial construction. The family model reproduced is in any circumstances a lifeless thing; a flower, faultless it may be in colouring and form, but without fragrance; a statue, exquisite it may be in grace of outline and attitude, but altogether without heart. The subtle influences of home can never be reproduced in the history of the young life. The mere reconstruction is, therefore, just as likely to be influential in a large as in a small Institution.

Large Reformatories have all the advantages of a public school, and make light and attractive tasks which would otherwise be rejected as irksome and oppressive. There are besides branches of education possessing a sustaining moral influence, such as vocal music, which can be much more rapidly and effectively taught to classes than to individuals.

When we turn from the mental and moral to the manual or mechanical education given, the advantages are altogether and unquestionably on the side of large establishments. In small Institutions the boys must be trained simply to field labour, or learn the one trade which may be taught in them. They have no choice. Their predilections are disregarded, because of the impracticability of maintaining trade masters to instruct them. Is it wise to force boys to trades they dislike? Will they not escape from them as soon as they leave the Institution? Do we thus not only lose the expense of their past education, and expose ourselves to fresh expense in subsequent punishment, but are we not deprived also of the industry and social strength which otherwise the community might have gained. In large Institutions like that of Glasgow, boys get their choice of the following trades:—tailoring, shoemaking, joining, smithing, coopering, printing, bookbinding, tanning, baking, wood-splitting, engineering, &c. &c. Their previous decision as to a trade is made known at once, or they take time to deliberate. They then enter on their work, and prosecute their apprenticeship with energy and enthusiasm, and show a most encouraging delight in turning out 'a good article.' It is found to be of immense advantage to give a boy an opening in any trade or sphere he may strongly desire.

The only objection I have noticed urged with any effect against these proposals is, that it is not fair to the honest workman, educating his own children at his own expense, to have the competition increased for his children by these offenders entering the labour market at the end of their confinement. This is a difficulty, but will the industrious workman's burden not be ultimately lightened by a lessened crime-taxation, and will not the diffusion of the various trades taught make the influx of workers to any one of them scarcely if at all appreciable. And farther, I ask those who would teach our Reformatory boys to be field or day labourers only, is it fair to send them all out into that one field of labour to compete with the children of our honest and industrious peasantry. Is it not incomparably more judicious to distribute the burden? With the objection to teaching any trade whatever, because of their violation of law, I trust there is little general sympathy. Had the young offender borne the ordinary punishment of thirty or sixty days' confinement, he might thereafter have acquired the trade of his choice and been comparatively happy, whereas we consign him through life to a form of labour from which he at first instinctively recoiled, and which must ever be felt to be oppressive. The violation of the law must be grave indeed to warrant punishment like this.

The economical advantages are easily ascertained. The following

extracts from the Inspector's report show that, in so far as money at least is concerned, the outlay is greater in small Reformatories, with the disadvantage, at the same time, of sending the boys forth to the battle of life miserably equipped for it.

In the return of receipt and expenditure of certified Reformatory schools for 1858, I find results like the following pervading the whole statement :—

	Boys.	Officers.	Average cost per head.
Small.			
Catton	9	3	£18 10 1
Essex	17	3	21 4 0
Aberdeen	27	3	17 11 0
Rossie, Forfar	8	2	32 19 6
Large.			
Redhill	263	17	22 10 0
St. Bernard's	301	23	16 4 0
Glasgow	412	20	13 15 0

Two results appear—

The first is, the greater the number of inmates the less the expenditure.

The second is, the greater the number of inmates, the more varied and efficient the intellectual and industrial training, and the better fitted will the lads be to achieve the independence of a self-reliant industry.

On the plea of economy there is thus nothing to urge on behalf of small Reformatories, but much to demand their abolition.

I might here also press the success of large Reformatories on the Continent and in the United States of America, in contrast with the almost universal feebleness of the smaller experiments, but the argument is invidious, and I cast it aside. The only plausible objection urged to this last aspect of the question is the difficulty of getting men qualified for the government of such institutions. It is, however, equally difficult to find suitable masters for small institutions. Each class of institutions requires peculiar aptitude for its management. The highest qualifications are required for managing the smallest institutions. They are confessedly the most difficult. It is easier to control 100 boys than 10 or 12. I admit that the power of calm and dignified management is rare, but so also are the aptitudes for dealing only with individuals or small groups when unsupported by the sympathy of numbers. As central institutions will be few, it will be much easier to find suitable men for them than to find the right men for numerous small Reformatories. Thus the objection goes for very little.

It appears to me, I observe in conclusion, that we must guard against two extremes, by carefully balancing the attention to the moral and the manual training. It is not wise, on the one hand, to send forth to a world which still suspects him the young reformed offender, with sedulously fostered sympathies, a thirst for knowledge, and aspirations after an honourable though humble independence,

which he has no means of gratifying; and it is almost criminal, on the other hand, to send them forth as labourers, soldiers, or sailors, trained only to muscular activity, and taught only so as to be raised by a mere glimmer of light to a character little better than that of kindly and docile animals. It does appear to me essential to the permanent and thorough reformation of the young criminal, that he be well versed in the simpler elements of an English education, that he above all be brought to value the Word of God as his guide-book, and that at the same time he be so fully equipped by the power of day labour, or by the mastery of some trade, as to be able to take a firm footing among his fellow-workers at the very outset of his course through the world.

These results are practicable only through the efficient working of large institutions of two or three hundred boys, and therefore it is that I venture to express the earnest hope that a general effort will be made to absorb gradually all Reformatories having less than ninety or a hundred boys in central or provincial establishments, with large visiting committees who will secure for the young, as far as possible, the kindly offices of individual benevolence.

On the Effects of the Youthful Offenders' Acts as enforced in Liverpool. By the Rev. Thomas Carter, M.A.

Little more than five years have elapsed since the first Reformatory was certified; there are now about fifty institutions of the kind in operation in England and Wales.

In no part of the country have the magistrates more largely availed themselves of the Youthful Offenders' Acts than in Liverpool. The results already attained will be considered satisfactory and encouraging.

The average number of commitments of juveniles to jail in the five years immediately preceding the passing of the Acts was 1030; the average of the same number of years since these Acts came into operation has been 751; the highest being 1148 in the year 1852, the lowest 486 in 1858; whilst the daily average of juveniles in jail has fallen from 110, in the year 1854, to a fraction below 25 in that ending on the 30th September last. The following table exhibits the number committed to prison, the number remanded for inquiry, and the proportion subsequently sent to Reformatories in each of the last five years:—

	Committed.	Of whom remanded for inquiry.	Sent to reformatories after inquiry.
1855	990	27	19
1856	995	254	133
1857	793	467	233
1858	486	287	117
1859	492	277	103

In all cases where it has been possible to do so, the parental responsibility has been enforced, and the amount actually received on this behalf, is between 240*l.* and 250*l.* a-year; and though recourse has been had in many cases to the extremities directed by the law, of distraint or imprisonment in default of payment, I am not aware of a single instance of oppression.

But the falling-off in the commitments, and the marked reduction in the daily average in prison (results fairly, I really believe, attributable to the operation of the Youthful Offenders' Acts), are not the only beneficial effects. All the gangs of juvenile thieves have been completely broken up, and a salutary dread of the consequences of neglect of their children has also been excited in the minds of parents who are now known to be more careful to prevent their children wandering in idleness about the streets, and so contracting criminal habits.

Not the least, however, of the advantages which have resulted from the reformatory action is to be found in the effect produced upon the children themselves who have been subjected to it.

From nine of the twenty-three Reformatories in different parts of the kingdom to which juveniles have been consigned from Liverpool, I have obtained returns giving the character when received and the present condition and circumstances of the earlier cases confided to their care. These returns embrace 85 children, of whom most had been frequently, several six or seven times previously convicted:—

3 are reported as promising when received,
16 as doubtful,
22 as indifferent, idle, and ignorant, but not vicious,
24 as bad and wicked, and
20 as thoroughly depraved.

85

Their present condition may be epitomized as follows:—

42 are still under treatment, and
43 have been discharged.

Of those still under detention,

2 have shown no signs of amendment,
19 have improved, and are holding out promise of doing well, whilst
21 are going on very satisfactorily.

Of the 43, who, after a discipline on the average of two years and two months' duration, have been discharged,

5 have been transferred to other institutions, and nothing certain ascertained,
1 died,
2 absconded, and are known to have left the country,
2 are doubtful,
4 have relapsed into crime,

2 have enlisted,
6 have emigrated, and have been well reported of, and
21 have been provided with employment, or restored to friends, and, as far as has been ascertained, are still possessing good characters, and are conducting themselves creditably.

Thus there is a reasonable hope to believe that seventy-nine per cent. of these poor destitute and dangerous children have been rescued from the criminal classes; and when it is remembered that these were the earlier cases—children who principally had lived for a long period in a career of crime, and who were, therefore, the least likely to be influenced by reformatory restraint and discipline, it will be admitted that, so far at least as they are concerned, the Reformatory action has been successful.

I may be permitted here briefly to explain the method of working the Reformatory Acts in use in Liverpool. When a child under 16 years of age is charged with any offence punishable by fourteen days' imprisonment, the rule of the magistrates is to commit to prison on a general remand of a week, during which time a superior officer of the jail, who has voluntarily taken this task upon himself, directs inquiries to be made personally through the agency of an officer specially assigned to the duty, into the domestic condition and circumstances of the child, its own character, and the character of its parents. Great care is taken to obtain the most accurate information, and at the termination of the remand the result is made known to the magistrate, who, with all the facts before him in a reliable form, then decides on the desirableness of the child's commitment to a Reformatory. If committed, it becomes the duty of the officer above alluded to, on receipt of instruction to that effect from the Home Office, through the Inspector of Reformatories, to apply for an order against the parents for such a contribution towards the child's maintenance as the circumstances of the parties, of which he had previously informed himself, will justify; that order obtained, his duty then requires him to receive the amount as directed by the magistrate, and, in event of arrears or default, to adopt the measures prescribed by the Acts for enforcing payment. By this simple agency, no danger can arise either of suitable cases escaping or of improper ones being sent to reformatory treatment; nor—the circumstances of the parents being thoroughly known—can any undue severity be visited upon them, or any immunity from their proper liability be obtained. In small communities these duties may be performed through the agency of the police; but that instrumentality when tried in Liverpool utterly failed, and satisfactory results, such as have been obtained there, will be most likely to arise where similar means are adopted.

On Certified Industrial Schools, their Principle and Actual Operation, with a Consideration of the Act by which they are established. By MARY CARPENTER.

[Owing to want of room the greater part of this paper is omitted.]

AT the close of the Spring Session of 1857, the Industrial Schools Bill became an Act, giving to magistrates the power to enforce attendance at Industrial Feeding Schools of children subjecting themselves to police interference by vagrancy, mendicancy, or petty infringement of the law, and to require payment from the parents of such children to the supporters of the school. Two years have passed, and the supporters of the measure are as anxious as formerly that it should be effectively carried out. The Committee of Council on Education have relied on these schools to supply the need existing for Ragged Schools, and have offered a sum not exceeding 7*l.* 10*s.* per annum towards the maintenance of each committed child. And yet the Act has virtually remained a dead letter. Eighteen schools were certified by the Committee of Council before August 16, 1859. Returns have been made by 13 of them; 7 of the 13 have not received a single child committed by the magistrates; and to the remaining 6 only 14 were sent under sentence up to the 20th of August, 4 being the greatest number in any one school throughout the kingdom. At the same time that there are only 18 certified schools in England, of which 9 at least are in London, there are many large Industrial or Ragged Schools in densely-populated and poor neighbourhoods, the managers of which will not certify them, and therefore will not put themselves in a position to be able to receive the class of children for whom the Act was intended. There must be some serious reason for this. When we recollect the rapidity with which Reformatories sprang into existence, at least 25 in the first two years, children being thankfully sent to them by judges and magistrates, while among all the certified Industrial Schools not more than two or three have been actually set on foot to carry out this Act (most of the schools certified having been previously in existence), we must perceive that there are some features of it which interfered with its due administration. Let us consider them.

First, there is a want of proper provision for the pecuniary support of the schools. This is a very serious hindrance. Benevolent individuals may be willing to do much, both in time and money, but it cannot be expected that many will be found who both can and will entirely maintain 40 or 50 children, sent by magistrates, for a year, before receiving anything for their food and clothing, and then only 3*s.* a-week, or 7*l.* 10*s.*, not half of what is allowed for every convicted child sent to a Reformatory. Half of the rent is also given, and a trifle towards the providing industrial work, with a capitation of 5*s.* per annum for each industrial scholar. Persons contemplating the establishment of a certified Industrial School must prepare pre-

mises, engage suitable officials, make provision for intellectual and industrial training, and furnish the house, and complete every arrangement before the school can be certified; and nothing will be given towards the salaries of teachers unless they happen to be certificated, for the Committee of Council on Education decline to educate this class. All this presents a great obstacle to the establishment of schools, as well as a difficulty in carrying them on.

Secondly, the provision that the managers are to obtain the payments of the parents is most objectionable. It establishes a wrong relation between the parents and managers, and is so annoying that it will be felt by most to be preferable to give up the money to be so obtained rather than to incur the odium of thus collecting petty payments. In the Bristol School, weekly visits to the parents have not obtained anything from more than one out of four, and in that case the father was living separated from his wife, and was previously allowing her 3*s.* a-week for the boy, which was diminished by the magistrates to 2*s.* 6*d.* to be paid to the school.

The third and most serious difficulty is the restriction of the terms of the Act to such children as are 'taken into custody on a charge of vagrancy under any local or general Act.' Now, such children can, after imprisonment, be sent to a Reformatory; some with no more serious accusation have been actually sent to the Red Lodge Reformatory, when it has been necessary to remove the child and place her under safe keeping. In most cases such children could be sent to the workhouse; and were our poor-houses properly provided with good Industrial Schools, managed by persons who had more than a pecuniary and official interest in their welfare, there might be little need for the Act to be passed, or for any other Industrial Schools. But as it is, unless magistrates were actuated by a great anxiety to work out the Act, which will make them regard rather the spirit than the precise letter of the law, it will remain, as at present, virtually a dead letter. The Vagrant Act will not of itself prove sufficient, for even in cases where magistrates have expressed their full willingness to bring it to bear on this class of children, they have not felt that they could empower the police to carry it out.

How, then, can the Act be adapted to carry out the principle of prevention on which it is founded?

First. As the Act is intended to carry out an action which has not hitherto been brought to bear on those of the population who are preparing themselves to be paupers and criminals, there must be a distinct clause defining those who are the subjects of it.

The fifth clause of the Bill, as originally prepared and brought in by Sir Stafford Northcote, Mr. Adderley, and Mr. Headlam, would answer the purpose.

'The police may take into custody any child who may be found begging, or committing an act of vagrancy; and also any child who may be found wandering in the streets or highways, or sleeping thereon at night, and not having any home, or settled place of abode, or proper guardianship, or any lawful or visible means of subsistence; or

any child frequenting a house of ill-fame, or any child found drunk or disorderly.'

Surely it is no infringement of the 'liberty of the subject' to require a bond from a parent that his child shall not be guilty of such misdemeanours as these; and if he cannot give such security, to place the child in a school.

Secondly. As originally proposed by the first Reformatory Conference, and inserted in the first draft of the present Act, the parish shall pay a sum for maintenance to the managers (3*s.* per week), recovering the whole, or part, from parents, if any; or if not, from the parish to which the child belongs.

Thirdly. The Committee of Council on Education shall not, as at present, make any grant for maintenance to the managers, but shall give half the expenses of rent and instruction, as originally provided in the minute of June, 1856.

May the legislators of our country earnestly consider these things, and not cease from their labours until they have done all that a legislature can do to arrest this growing evil. For these young beings, the wretched children of dissolute parents, or unfortunate orphans, to whom no one feels as a guardian, continue to live in their dens of iniquity, to swarm in our streets, to levy a costly maintenance on the honest and industrious, to rise up to be the parents of a degraded progeny of pauper children, or to require an expensive maintenance in our Reformatories.

The Establishment and Progress of the Manchester Certified Ragged and Industrial Schools, and the Application of the Industrial Schools' Act. By JOSEPH ADSHEAD.

THE Manchester Ragged and Industrial School, the parent institution of its class in that district, was established in September, 1846, and amongst the earliest establishments of the kind in the provinces, Birmingham and Bristol being contemporary in respect to date.

During the first year one hundred and sixteen destitute and ignorant children derived substantial, and it may be hoped, permanent benefit from the fostering care of the institution, and it was gratifying to find that those who left the school to enter upon spheres of regular occupation, uniformly conducted themselves in such a manner as to meet the approval of their employers.

There have passed through, and have left the school, during the twelve years of its operations, 1147 young persons, about two-thirds boys and about one-third girls. About 600 were under 10 years of age, 350 under 12, and about 200 under 16 years of age.

About 520 had parents living, 450 fatherless, above 100 motherless, and nearly 80 orphans.

Above 750 were match-sellers, beggars, pickpockets, sweeps, street-singers, &c., and about 400 of no occupation; about 900 were unable to read, 200 able to read, and 50 able to read and write.

As to the disposal of the children, nearly 200 have gone to other schools, about 300 have left without having assigned any reason, or have left the town, about 150 have returned to beg, &c., and nearly 500 have obtained employment, and it may be said of this latter number, numerous communications from time to time have been received of the satisfactory manner in which those who have left the schools are conducting themselves; many of whom, but for the moral, religious, and industrial training received at the schools, might have been the inmates of our jails, common pests to the community, swelling the number of criminal statistics.

The principles upon which the schools are based, are embodied in the trust deed of the institution to the following import:

'The objects of the institution are the education of such vagrant, criminal, and other children, as the committee for the time being may deem worthy of their sympathy, such education being based upon scriptural, but not sectarian principles; also, that all shall receive industrial education, and whenever practicable, situations shall be obtained for all deserving children when they leave the schools.'

Such are the governing elements by which the operations of the Manchester Ragged and Industrial Schools are carried out, and such is the unsectarian character of its General Committee, that it is but a reflex of the principles above enunciated, co-operating as they do most harmoniously for the general weal of the institution. I now refer to the application of the powers of the Industrial Schools' Act in Manchester, and the difficulties connected therewith.

The Manchester Industrial Schools were certified in April, 1859, and I wrote the following letter to Mr. Maude, the city stipendiary magistrate, to the following effect, giving him intimation of the same:

Manchester Ragged and Industrial Schools,
Ardwick Green, May 16, 1859.

'DEAR SIR,

'It will be in your recollection that in 1856 a meeting of the magistrates of the city was held in the Mayor's Parlour, Town Hall, for the purpose of taking into consideration the desirableness of petitioning the Legislature, that powers similar to those contained in the Act of 17 & 18 Vict. cap. 74, better known as 'The Dunlop Act,' which related only to Scotland, should also be extended to England.

Since that period, after various delays and amendments, an Act has passed the Legislature, entitled, 'The Industrial Schools' Act,' 20 & 21 Vict. cap. 48, intended to give similar powers to those contained in 'The Dunlop Act.' The measure proposes 'to make better provision for vagrant, destitute, and disorderly children, and for the extension of industrial schools.' It empowers the taking into custody 'young persons under fourteen years of age on a charge of vagrancy, under any local or general Act.'*

The Act further provides that the child taken into custody may be sent to an industrial school, the managers of which are willing to receive it for detention not

* The original draft of the Bill was much more definite as to the character and circumstances of the young persons to be taken into custody, as indicated in the following terms:—'The police may take into custody any child who may be found begging, and also any child who may be found wandering in the streets or highways, or sleeping thereon at night, or not having any home or settled place of abode, or proper guardianship, or any lawful or visible means of support.'

exceeding a week, while due inquiry is made respecting the same. The parent or guardian may give assurance of good behaviour for twelve months. If committed to an Industrial School, compulsory payment of not exceeding 3*s.* per week may be enforced, which amount may be diminished at the discretion of a magistrate. No child shall be detained in any Industrial School beyond the age of fifteen years against his consent. The child may be discharged at any period during detention at the Industrial School, upon the magistrate's receiving satisfactory assurance or undertaking for good behaviour, or upon the young person being able to obtain employment. Penalties may be enforced against parties withdrawing or harbouring young persons committed to industrial schools. The Act also provides for a due regard to the religious persuasion of the parent or guardian of young persons committed under the powers of the Act.

The preceding are some of the leading features of the Industrial Schools' Act, the powers and provisions of which will especially meet the cases of those young persons frequently denominated 'City Arabs,' and I am desired to inform you, and the bench of city magistrates, that the Manchester Ragged and Industrial Schools at Ardwick Green are duly certified by the Committee of Privy Council on Education, *London Gazette*, April 8th, 1859, to carry out the objects contemplated in the Industrial Schools' Act.

In addition to the day school accommodation afforded for 300 young persons, there is a dormitory accommodation for 100 male and female children—a provision made anticipatory of the requirements of the Act referred to—and I would state that the managers of the Ardwick schools will have much pleasure in most cordially acting with the city magistrates in their endeavours to carry out the objects sought to be attained by the provisions of the Industrial Schools' Act.

I scarcely need further remark that the provisions proposed are not for criminal children (a provision is made for that class under the Youthful Offenders' Reformatory Acts, 17 & 18 Vict. cap. 86 and 87), but only for vagrant, destitute, and disorderly children, taken 'into custody on a charge of vagrancy under any local or general Act.'

The managers of the Ardwick Schools would respectfully suggest the desirableness of periodical visits by the magistrates to the Institution, with a view of more intimately enlisting their sympathies in its general operations.

I remain, dear Sir, yours most truly,

JOSEPH ADSHEAD,

On behalf of the Managers of the Ragged and Industrial Schools, Ardwick.

Daniel Maude, Esq., City Court, Manchester.

The following is the reply of Mr. Maude, the stipendiary magistrate :—

City Police Court, May 17, 1859.

DEAR SIR,

The Legislature have by this latter Act (20 & 21 Vict. c. 48), so much limited the operation of the Dunlop Act, so far as it applies to England, as greatly to diminish its efficiency. The only persons within the operation of the Act are those in custody on a charge of vagrancy under some general or local Act.

I am not aware that we have any local Act in Manchester which constitutes an act of vagrancy. The only cases therefore with which we can deal, are those defined to be acts of vagrancy by the 5 Geo. 4, c. 83. Practically, these will reduce themselves to two (as you do not wish us to send you criminal children, such as reputed thieves), viz.: those found begging under section 3, and those wandering abroad and lodging in buildings, or in the open air, or not giving a good account of themselves under section 4. I am glad to say that we have had very few of late of either of these cases.

I am, dear Sir, yours very truly,

DANIEL MAUDE.

Joseph Adshead.

I have ventured to think that, even under the local Act, ample power was given to convict for beggary, vagrancy, &c. The section

being as follows, 5 Geo. IV. cap. 83, section 3: 'And every person wandering abroad, or placing himself or herself in any public place, street, highway, or court, or passage to beg, gather alms, in procuring or encouraging any child, or children,' &c. Also,

In section 4, clause 3: 'Every person wandering abroad, or lodging in any house, or outhouse, or in any deserted or unoccupied building, or in the open air, or under any shed, or in any cart or wagon, not having any visible means of subsistence, and not giving a good account of him or herself.' Then it is provided that such shall be committed, &c.

It was such clauses in the General Act that the framers of the 20 & 21 Vict. cap. 48, intended should include those referred to in the preamble of the Act, as vagrant, destitute, and disorderly children, but which Mr. Maude considered by his note would include 'very few' that would be affected by apprehension or for detention under the Industrial School Act.

It will, I think, appear manifest that had the clause which defined the character and circumstances of the subjects for apprehension and detention, which appeared in the first draft of the Industrial School Bill, and which was a transcript of a clause in the 17 & 18 Vict. cap. 78, if that clause had been retained, much difficulty and doubt would have been removed. It is to the following effect:

'The police may take into custody any child who may be found begging; and also any child who may be found wandering in the streets or highways, or sleeping therein at night, and not having any home or settled place of abode, or proper guardianship, or any visible means of subsistence.'

It is due to Captain Palin, the excellent chief-constable of Manchester, to state that he evinced every readiness to apply the Act referred to. He employed two policemen, in plain clothes, to apprehend the youthful vagrants and beggars of both sexes that infest the streets of the City of Manchester, and by such exertion it was that there were 18 apprehensions in about two months, but only 3 of that number were committed to the Industrial School, and 1 to the Penitentiary.

A view was taken by the bench as to the extended powers of the Act, taking a period of detention from nine to fifteen years of age. Exception was also taken as to expense. 'Did not like to put the country to such an expense for their maintenance.' In the judgment of the writer, the matter of expense was not a matter for magisterial decision. The Privy Council on Education had settled that point by the power vested in it by the Legislature, and it was only for the magistrate to consider as to the sufficiency of evidence to commit to the Industrial Schools such young persons who came within the range of offences as indicated in the general Vagrancy Act of 5 Geo. IV., c. 83, or any local Act to the same effect.

The disinclination of the magistrates, in some instances, to commit those who had been apprehended by the police for vagrancy and begging has had this twofold effect:

In the first place, the police who had received their instructions

from the chief-constable to apprehend such characters, saw that, by the dismissals of such cases by the magistrates, apprehensions were useless; and further, the youthful vagrants and beggars found that they could, with some degree of impunity, continue their vagrant and begging pursuits.

It may, however, be stated that a short time since, after three remands, a case was committed to the Industrial School for five years, and the parent adjudged to pay 2*s.* per week for maintenance; but there will be no effective application of the Act until character and circumstances are more distinctly defined, and a more clear and effective power for enforcing parental payments. A circular, emanating from the Home Office, directing the attention of the magistrates of boroughs and counties as to the powers and provisions of the Act, and as to the importance also of its provisions being duly carried out, would have an important bearing in calling magisterial attention to the subject.

These remarks are intended only to supplement what may be advanced by Miss Carpenter upon the general question of the application of the 20 & 21 Vict., c. 48, and to strengthen such views as to the necessity of the said Act being amended to correct the difficulties which have been referred to.

On Juvenile Beggars and the Industrial Schools' Act.
By G. H. H. OLIPHANT.

THE wretched condition of the dwellings of the poor in our towns, and, to a lesser extent, among our agricultural population, constitutes the most fruitful spring of the various sources of crime. In consequence of the utter absence of the common decencies of life, and the want of privacy and separation of the sexes, habits of shamelessness are induced, and the way prepared for every description of social evil. The squalid misery and starvation of home are in striking contrast to the comparative comfort and warmth of the glaring gin-palace and the snug beer-shop. The confined and impure state of the air induces a craving for stimulants, and habits of drunkenness are thus gradually formed. The strength is undermined, and an unfitness for work ensues. This unhealthy mode of life produces dissipated habits, which destroy all energy, and give the individual an appearance of disease and suffering. A condition apparently so miserable excites sympathy, and a habit of begging is produced.

What can we expect to be the condition of the children of such parents? Cradled in misery from their infancy, and associated with those who are steeped in wretchedness and vice, these poor creatures demand that protection at the hands of society which their natural guardians are unable and unfit to afford them. Instead of being brought up in habits of industry and honesty, they are used as means of extracting money from the pockets of the public.

A gentleman observed two clever little children in the St. George's and St. Giles's Ragged School. He was told that they were taken

about the streets to beg every night, and might be found in Regent-street as late as one o'clock almost any morning. The practice of lending and letting out very young children is too well known to require any comment here. As children grow older they are sent out by their parents, and compelled to bring home a certain sum. Whether this is procured by begging or pilfering is immaterial, so long as the parent obtains the means of indulging his craving for drink. These children grow up to be professional beggars, occasional pilferers, and then regular thieves.

Sic utere tuo ut non alienum lædas may be paraphrased, by laying it down that no man has a right to bring up his child so as to be a nuisance to society. If he does so, it is the duty of the State to interfere, and take the child from his keeping. To carry out this principle, the Act 17 and 18 Vict. c. 74, was passed for Scotland, in 1854. It is known by the name of 'Dunlop's Act.' Under this statute, children, apparently under fourteen years of age, found in a state of vagrancy, may be brought before a magistrate, and sent to an Industrial School, the parent to pay for its support, and if this cannot be obtained, then the expense to be defrayed by the parochial board of the parish on which such young person would have been chargeable in the first instance. In Glasgow, the children taken under the above Act are sent to the Industrial and Reformatory School in Rotten-row. The total number admitted into the Reformatory department since the Government licence of 10th March, 1855, is as follows:—

	Boys.	Girls.	Total.
In 1855	62	34	96
„ 1856	29	23	52
„ 1857	17	17	34
„ 1858	15	5	20
	123	79	202
Left up till 31st December, 1858	56	31	87
Remaining	67	48	115

On the 31st of December, 1858, the Reformatory department consisted of 67 boys and 48 girls, making a total of 115 for the whole of Glasgow. The Industrial department, consisting of children who come voluntarily during the day and work with the others, numbered, at the same date, 42 boys and 24 girls: total, 66. It is found, both in Glasgow and London, that no inconvenience results from the mixture of these two classes of children, and this is the case when some of the industrial scholars sleep on the premises. This probably arises from both classes of children having the same kinds of parents, and being brought up in similar localities.

To a stranger in Glasgow, the absence of children begging in the streets is striking, but it is thought by some, that the Act ought to be more vigorously carried out. In the Report of the above school for 1859, it is said:—

'There is another matter to which the directors think it necessary to advert, and to which, with earnestness and respect, they beg to call the special attention of the public authorities of the city. In the statistical part of this report it has been stated that the school was licensed under the Reformatory Act in March, 1855, and that during the remainder of that year 96 children were received by warrant from the magistrates; in 1856 the number thus received was 52; in 1857, 34; and during last year, only 20, 3 of whom were re-admissions. Did this constantly decreasing number arise from an improved moral and physical condition of the city, it would be a matter of high gratulation, rather than of regret; but the directors fear that there is no evidence in favour of this supposition, to the extent, at least, which the decreased numbers would indicate. It is hard to conceive that in this city, with its enormous population, embracing so much misery and moral degradation, only 17 or 20 children should, in a whole year, be found fit subjects for this Institution, under the Reformatory Act. The directors think it a matter worthy investigation, whether any, and what obstacles impede the working of the Act, as they cannot but regret that a measure intended by its philanthropic framer to exercise such a beneficial influence on the community, should come into such limited operation in so large a field. There is, indeed, no doubt that this Institution has greatly lessened the amount of juvenile begging formerly exhibited in our streets; but this is not its ultimate end. It is not to be considered as an Institution simply for the prevention of begging, but rather for the far higher and nobler purpose of training beggars and outcasts to become useful and virtuous citizens.'

The directors would seem to take too desponding a view of the case. It appears by their own statement that 'this Institution has greatly lessened the amount of juvenile begging' formerly exhibited in the streets of Glasgow. The suppression of juvenile begging is, it is submitted, a main object of the Act, and will, it is hoped, gradually obviate their present necessity of 'training beggars and outcasts to become useful and virtuous citizens.'

A complaint is also made that under the Act security may be given and the child discharged, and that a parochial inspector often gives the security, to prevent the payment for the child being a burden upon the parish. This, however, seems to have the desired effect, for it does not appear that children thus discharged are caught begging again.

In Edinburgh, the Act is said to be a dead letter, and not put into force.

The 'Aberdeen Industrial School Association' have certified under Dunlop's Act, and on the 30th of June, 1859, there were 19 boys and 17 girls under detention; total, 36.

In 1857 the Industrial Schools' Act was passed, chiefly through the exertions of Mr. Adderley. The introduction of this measure received the cordial support of the Reformatory and Refuge Union, but the Bill was injuriously altered in its passage through Parliament.

The committee of the Reformatory and Refuge Union, in their cor-

respondence with the Committee of Privy Council on Education, say, —'We would here express our hearty approval of the object of the Industrial Schools' Act, and we are desirous that the Act should be brought into operation by the managers of institutions suitable for the purpose; but we deprecate the attempt to force it on those already employed in works equally useful.'

Up to the present time the Act has only to an inconsiderable extent been put into force.

Although under section 15 the managers may have the parent summoned, and ordered to pay according to his ability, it has been found practically that, under such circumstances, very little money can be procured from poor parents, and therefore that funds must be provided from other sources.

The allowance by Government is now '*6d.* for each day up to a maximum of *7l.* 10*s.* per annum for each child received as aforesaid,* and being in the establishment on the day fixed for its annual inspection.'

Although it was feared at first that it would be quite impossible to find places to hold all the children who would be brought up if it were attempted to put the Act into force, it is now beginning to be understood that the committal of a comparatively small number, acting *in terrorem*, would clear the streets of juvenile beggars. Thus we find that the Institution in Glasgow, where there were 115 children kept under the Act, 'has greatly lessened the amount of juvenile begging formerly exhibited' in the streets of that city. If the police were to take the proper objects into custody, the purpose of the Act would very soon be accomplished. A deputation from the Reformatory and Refuge Union waited upon Sir Richard Mayne, and laid the matter before him. He thought the Union should communicate with the Home Secretary, who would probably give instructions to the police authorities to assist in carrying out the provisions of the Act.

In London the chief difficulties seem to have been overcome. There is at present accommodation for a number of cases both of boys and girls in Industrial Schools already certified, and there are magistrates prepared to put the law into force.

There would appear, therefore, to be no obstacle to the Home Office proceeding at once to issue the necessary instructions. At present there are only three boys in the 'Boys' Home,' under the Act; and also three boys in the North-West London 'Certified Industrial School.' In the two girls' institutions, namely, 'Lisson-street Refuge,' and the 'Rescue Society,' no girls have, as yet, been received under the Act. Up to 20th of August, 1859, only 14 children had been sent by magistrates to certified Industrial Schools in the whole of England.

One of the greatest difficulties experienced in dealing with the juvenile poor is the strong dislike which they have to the workhouse. A boy asked a gentleman for relief, and said that it was much better to beg

* That is under the Acts 20 & 21 Vict. c. 48, or 17 & 18 Vict. c. 74.

than to steal. He was told that, if in want, he ought to go to the workhouse. He replied—'But it makes all boys so stupid like; I shouldn't like to go there.'

As there is no power of detention, children who dislike a workhouse will not remain in it, but will betake themselves to the streets.

Such would be very proper cases to be dealt with under the 'Industrial Schools' Act.' By section 21 of that Act, the guardians of any union or parish may, with consent of the Poor Law Board, contract with the managers of any certified industrial school for the maintenance and education of any pauper child. This is a most salutary provision, and, if carried out, would operate most beneficially.

The following important letter has been addressed by Mr. Hall, the senior police magistrate of Bow-street, to Mr. Adderley, M.P.:—

Bow-street, 21st April, 1859.

DEAR SIR,—I have been so much engaged since the receipt of your letter of the 24th ult., that I have been unable to send you an earlier reply. You remark that you cannot see that the words 'under any general Act,' excludes children who are idle wanderers from some of the descriptions in 5 Geo. IV., c. 83. I do not remember expressing any doubt in my letter to Mr. Hardy, whether children committing an act declared by that Statute an offence may be detained in a certified industrial school. I think I stated it to be the opinion of the magistrates that, worded as the 20 and 21 Vic., c. 48, s. 5 is, children cannot be brought within its operation, unless guilty of an offence under some statute relating to vagrants. The 5 George IV. divides those who fall within its provisions into three classes, of which but two need be noticed, viz., 'idle and disorderly persons,' and 'rogues and vagabonds.' The case you mentioned of a boy almost naked lying in a doorway in a square, asking nothing, but receiving, is clearly within the former description; for section 3 of 5 Geo. IV. declares that 'every person placing himself in any public place, &c., to beg or gather alms,' shall be deemed 'idle and disorderly;' the word 'gather' being separated from the word 'beg' by the disjunctive 'or,' renders it quite unnecessary to prove that an individual charged was heard to ask; it is enough to show such facts as will satisfy a reasonable mind that the accused did place himself where he was found for the purpose mentioned. By section 6 of the same Act, any one who shall find a person offending against it may apprehend him without a warrant, and take him before a magistrate, or deliver him to a constable to be so arraigned, and if the officer refuses or omits to do so, he will be answerable for neglect of duty. With regard to offences, young persons within the metropolis will be most frequently charged with begging, or alms gathering, and in process of time very many of them will doubtless be removed from a state of vagabondism; but it will be no easy matter to enforce orders (when made) for payment of maintenance-money by parents who generally have no known or settled habitation.

The declared object of 5 Geo. IV., called the Vagrant Act, is to suppress vagrancy and punish idle and disorderly persons and others; but no comprehensive legal definition of the term 'vagrancy' is given in it—it merely enumerates certain acts, and declares them to be offences punishable with imprisonment, treating those who commit them, who are termed 'idle and disorderly,' and 'rogues and vagabonds,' as impressed with the character of vagrants, though no element of vagrancy, in its usual acceptation, can be found in some of the cases specified in the statute.

My answer, therefore, to your question, whether, if a short Act were passed, providing that the term 'vagrancy,' in the Industrial Schools' Act, should include every offence specified in 5 Geo. IV., is, that such an enactment would work no change, as the present words 'on a charge of vagrancy under any general Act,' point with sufficient distinctness to the provisions of 5 Geo. IV. To your second

inquiry, whether vagrancy should be described, and how, I beg to say that the meaning of the expression in common parlance is much too vague and unsatisfactory for legal purposes, and to attempt a statutable definition thereof would be difficult and perplexing in the extreme.

I am, dear Sir, yours faithfully,
(Signed) THOMAS JAMES HALL.

As most of the cases of vagrancy in which it would be necessary to put the law into force are those where children are begging or gathering alms, it does not seem that, practically, there would be any difficulty in finding proper objects.

Let us, in conclusion, look at the present state of the case. In Glasgow we have an Act which, even imperfectly enforced as it is, has greatly lessened the amount of juvenile begging.

In London, the Act has, to a limited extent, been already successfully put into force.

There is now plenty of accommodation in certified schools ready to receive boys and girls. There are magistrates prepared to put the Act into force. Let the police and the public exert themselves in getting the proper cases, and we shall soon diminish the number of juvenile beggars, and find that we are making progress in cutting up vagrancy and crime root and branch.

Industrial Homes for Vagrant Children. *By* ERNEST NOEL.

THE difficulties and dangers arising from the large criminal population in this country are increasingly forcing themselves on the observation of every thoughtful person. New plans for the prevention and cure of crime are constantly being proposed, and we may congratulate ourselves on the amount of benevolence and intelligence which has already been called forth. In spite of every effort of the philanthropist and statesman, crime continues, and it has become a very frequent question with all parties—Can nothing be done to attack the evil at its source?

Ragged Schools and Reformatories have already done much; amusements for the people and mechanics' institutes have been established, and have met with partial success; education is steadily advancing, and earnest efforts are being made to improve the dwellings of the poorer classes. But, we may ask, are there not some sources from which a large proportion of our criminal population is drawn which have not yet been reached?

The voluntary principle is the boast and glory of a large party, and it would doubtless be a most unwise course to check personal benevolence and exertion. If, however, it can be shown that the means already employed cannot in their nature accomplish all the work to be done, does it not become the duty of the State to seek for some plan by which the remaining evils may be lessened. Christianity has within it the power to elevate the degraded, and purify the most cor-

rupt; but, unfortunately, in this country it has not yet reached large masses of the population, and it is from amongst these that the numerous recruits for our prisons are chiefly drawn. The object of this paper is to consider whether it falls within the province of Government to prevent children from being almost unavoidably pressed into the ranks of the 'dangerous classes.'

In all our very large towns it is a notorious fact that there are a considerable number of what may be termed vagrant children. Many of these are either orphans or deserted by their parents, who roam through our streets and alleys in company with those who are taught to steal; others have drunken parents, who drive them to the streets to beg or to pilfer, themselves living in vice and idleness; others, again, are the offspring of criminals, who seem to inherit both the propensities and doom of their parents; and many more are the children of prostitutes, who from their cradle are surrounded with the most degrading and corrupting scenes.

Many of these wretched beings find an early grave: hardship and want soon kill off the feebler. The more robust fall a certain prey to professed thieves, who find in these children instruments eminently adapted to carry out their plans of depredation; and a boy trained in this school of crime soon becomes a terrible scourge to society, part of his time spent in our costly prisons and penitentiaries, and the remainder in pilfering the earnings of the honest and industrious. So brought up, his case is almost hopeless. Can this be prevented, or must we be content that he should run a certain course of crime till he is sentenced to prison, or, where such is established, to a Reformatory School?

When parents refuse to fulfil their duties towards their offspring, is it not the duty of the State to secure that injustice be not committed against the children?

As a religious, moral, social, and economical question, is it not better that the State should so far invade domestic rights, than that these children should be deprived of all their rights, be trained up in vice and misery, and eventually become a heavy burden to the community?

It would not be difficult to give most melancholy details to prove the existence of this class of children, but the limits of this paper prevent such a recital.

The main questions, however, to be answered are, whether the plans already in operation are calculated to remedy the evil? and if not, whether there are no means within the power of society of at least lessening, if not entirely eradicating, this melancholy source of crime and misery?

It is with the intention of answering the latter question, that the following proposals have been made:—

(1.) That 'Industrial Homes for Vagrants' should be established near all our largest towns.

(2.) These Homes, or schools, should not be regarded as prisons, or in any way punitive.

(3.) Half the funds should be raised by town rates, the remainder

to be given by Government. In a very short time they might be made almost self-supporting.

(4.) All children found in the streets, attending no school, and leading vagabond lives, should be eligible.

(5.) The police should receive orders to apprehend all such children; the cases should be inquired into by the magistrates, and whenever it was found that there was no possible provision for the moral education of the child, the magistrates should be empowered to give the child into the hands of the 'Industrial Home' committee, who would thenceforth stand in *loco parentis.*

(6.) The children thus received should be fed and clothed in the simplest manner; they should be taught reading, writing, and arithmetic, and from four to six hours every day should be devoted to the workshop, where they would be taught a trade, and by their labour earn from one-half to three-fourths the expenses of the 'Home.' The moral and religious training of the children would form a main feature in such Industrial Schools.

(7.) The committee should be composed of 24, one-half elected by the borough, the remainder to be appointed by Government. To them would be committed the entire management of the Institution, the appointment of officers, &c. A yearly report concerning every child should be published, addressed to the bench of magistrates.

(8.) Parents should have a right to appeal against the decisions of the magistrates, in regard to the commitment of their child; but when once fully admitted to the 'Home,' the committee undertake all the responsibilities and duties of the parents, and no child should leave the 'Home' till such a time as the committee see fit to find it suitable employment.

It would be needless in so short a paper to give more than the bare outlines of the scheme; but it is very important distinctly to understand the principles on which these 'Homes' should be established, and the nature of the causes which render them needful.

It has been computed that there are between 200,000 or 300,000 vagrant children in this country, who are leading miserable lives, suffering the greatest hardships, exposed to countless temptations, with the almost certain prospect of eventually becoming inmates of our convict establishments. Many of these no doubt could be reached by means of Ragged Schools, private Reformatories, and, more especially, 'Feeding Industrial Schools,' as established first in Aberdeen, and since in Edinburgh and other cities; but when all these means have been adopted, there will still remain a large residuum of the most degraded (especially in London, and our very large towns), who can have no possible prospect in this world but a course of misery, leading to an untimely grave. The lowest estimate would give 30,000 children of this class under ten years of age, or an addition of 3000 annually; but as more than one-half do not attain the age of manhood, we may estimate the number who annually grow up in vice and crime at about 1000. For half the value that these unfortunate children in their career of vice and crime cost the honest part of the

community by theft, and the consequent outlay in police, prisons, and the administration of justice, we might train these 30,000 children in virtue and happiness; and instead of annually augmenting the criminal hordes by 1000 trained recruits, we should present to the nation 3000 useful members of society, taught from their childhood habits of industry and virtue.

In an economical point of view, we might urge the adoption of such a system, but when we turn to its social, moral, and religious bearing, our position becomes incalculably stronger. Here are a number of children who, by no fault of their own, are forced into certain ruin and misery, either through the loss or the wickedness and vice of their parents.

Has the State no right to interfere?

Is it not the duty of the State to provide for such helpless and hopeless subjects?

If parents do not provide for their offspring, or by vice and crime have unfitted themselves for the sacred trust of training their children, is it not just that they should be deprived of those rights which, by the breach of all the duties connected with them, they have proved themselves unworthy to hold?

If the arguments in this paper are correct, we have shown—

1st. That the community would eventually be saved from heavy pecuniary burden by diminishing the amount of crime.

2ndly. That the lives of thousands of children would be saved, and that yearly 3000, who otherwise would die early, or become criminals, would enter life as honest citizens, with at least that moral and religious principle which early training is calculated to impart.

And 3rdly. That no injustice would be committed towards the parents, whilst immense advantages would be conferred on the children.

SUMMARY OF PROCEEDINGS IN THE PUNISHMENT AND REFORMATION DEPARTMENT.

THE address for this department was delivered on Thursday, the 13th, by Richard Monckton Milnes, Esq., M.P., who presided over its proceedings from their commencement on Tuesday, the 11th, to their close on Friday, the 14th.

Mr. Martin Ware, jun., who has from the first given his valuable services as permanent secretary to the department, was assisted by the Rev. J. R. Campbell and Mr. W. Thompson, as local secretaries.

In addition to the papers printed in full, the following were contributed to the department:—

'The Criminal Statistics of Liverpool,' by J. T. Danson, F.S.S.

'Intemperance: its Relation to Crime, and its Remedy,' by F. R. Lees, Ph.D.

'Drunkenness as an Indirect Cause of Crime,' by John Taylor.
'Bradford in its Relation to Reformatories,' by John Rawson.
'The Castle Howard Reformatory School,' by the Rev. Ishmael Fish.
'The Emigration of Boys,' by C. H. Bracebridge.
'The Nursery for Seamen which the Whale Fisheries present, considered with reference to the Apprenticeship of Boys from School Ships and Reformatories,' by C. W. Eddy.
'Remunerative Work in Prisons,' by Ernest Noel.
'The Treatment of Adult Offenders,' by the Rev. R. V. Reynolds.
'The Discharged Prisoners' Aid Society,' by W. B. Ranken.

CRIMINAL STATISTICS OF LIVERPOOL.

Mr. J. T. Danson presented to the department two tabular statements supplied to him, as Secretary of the Liverpool Local Committee of the Association, by the Chief Constable of Liverpool, and made up from his official returns of the crime of that district, the one showing the offenders dealt with summarily, and the other the crimes committed (and the criminals apprehended) of an indictable character. The first showed a total of 34,857 persons proceeded against for the year just ended. In the year 1857-8, the corresponding number was only 29,714; and in 1856-7 it was 34,134. Here, however, an explanation is needed. It was only in the last year that the new powers of summary conviction, recently conferred on magistrates, were brought into operation. And this greater efficiency of the law has caused an apparent increase in the face of a real decrease in the number of such offenders. For it is well known that, owing to a better and more permanent disposal of juvenile offenders during the same period, the whole number of criminals in the town falling into this class is rather diminished than increased. Turning to the other table, we find the 'crimes committed,' and reported to the police, largely reduced in number. In 1858-9 they were 3901; in the year before, 5012; and, in the year before that, 6678. In like manner, the number of persons apprehended for such crimes has fallen, in the three years, from 3295 to 2968, and thence to 2564 in the year just closed. This, too, needs explanation. The criminals of this class in or belonging to the borough, are, it is believed, as numerous as before; they are even, probably, as strongly disposed to criminal conduct; but there are more of them undergoing punishment than usual. Of late, a new policy has been introduced in dealing with criminals who, by repeated convictions, have displayed a settled habit of crime. They have been submitted to longer terms of imprisonment, or to terms of penal servitude varying from 5 to 14 or even 20 years. This, then, with the already mentioned extension of the summary jurisdiction of the magistrates, being taken into account, we have no reason to believe that any such considerable change has taken place in the criminal tendencies of our population as might be inferred from the mere figures.

DRUNKENNESS AS AN INDIRECT CAUSE OF CRIME.

Mr. JOHN TAYLOR read a paper bearing this title. It comprised a variety of important statistics with reference to the number of public-houses in England, their proportion to the population, and the amount of money annually spent in intoxicating liquors. Mr. Taylor stated that the metropolis was divided into 36 registration districts, having, according to the census of 1851, an aggregate population of upwards of 1,600,000 persons above fourteen years of age. The number of places for the sale of intoxicating liquors was 10,256, being one to every 156 persons. The proportion which the number of public-houses bore to the population of some other districts in the country was even still greater. In Yorkshire there were 961,945 persons above fourteen years of age, and the number of places for the sale of intoxicating liquors (including breweries) was 8411, being one to every 114 of the population. The proportion in Cumberland and Westmorland was one dealer to every 93 of the population above fourteen years of age; and in the whole of England there were 105,278 dealers in intoxicating liquors, to a population of 14,000,000, being one to every 234. Mr. Taylor stated that the amount of money annually spent in intoxicating liquors was 60,000,000*l.*, of which it had been calculated that 20,000,000*l.* was spent by the working classes alone. He pointed out that this money might be much more profitably employed in other ways, and dwelt on the indirect criminal action of intemperance through the poverty, ill-health, and want of education directly attributable to it. He thought that great alterations ought to be made by the Legislature in the present public-house system. It was desirable to consider whether the granting of licences to public-houses should be vested in the magistrates, as at present, or placed in the hands of a body especially elected for this purpose, who should have the power of determining the tenure of the licences. In conclusion, Mr. Taylor remarked that the diminution of the use of intoxicating liquors could, after all, be best promoted by the example of the more intelligent portion of the community.

Dr. F. R. LEES, in a paper on 'Intemperance: its Relation to Crime, and its Remedy,' after giving some statistics of drunkenness, advocated the entire suppression of the traffic in intoxicating liquors as the only remedy.

The papers by Mr. James Cropper and Dr. Arnot on this subject will be found at pages 451 and 456.

In the discussion,

Mr. CARTWRIGHT THOMAS, High Sheriff of Hamilton, in Canada, said that in that country the licence had been in the hands of unpaid magistrates, and the effect there was that anybody could get one. The law was now altered, and the power of giving a licence was committed to the corporations, and the consequence was, that the municipal offices were in the hands of publicans. He proposed to restrict the number of houses, and give the power of license to three individuals, (1) a police magistrate, (2) a deputy elected by the corporation, (3) and

a public officer. The police regulations were not fairly carried out, and ought to be more strictly enforced.

Mr. JOWETT, of Leeds, believed that beer-houses were worse than public-houses, and agreed with Mr. Cropper that we ought to get rid of them.

Mr. NELSON, of Manchester, denied that beer-houses were worse than public-houses. He would throw open the traffic entirely.

Lord RADSTOCK said that the evidence before the House of Commons showed that the fault lay in the difficulty of fixing responsibility on any one person. Certificates were very loosely given. We should endeavour to raise the character of the keepers of these houses, and their sureties should be made responsible for their respectability.

Mr. SAMUEL POPE thought these were mere palliatives. We should strike at the root of the evil by total prohibition of the sale of intoxicating liquors.

THE LAW OF FALSE PRETENCES.

In the discussion on the paper by Mr. Hastings, which is printed at p. 485.

Mr. HENNESSEY, M.P., urged the importance of legislation on the subject, and said that any Bill that was proposed should deal with frauds both of quantity and quality.

Mr. M. D. HILL said, that in his judicial experience as Recorder of Birmingham, he had frequently seen the evil results of the present state of the law.

The PRESIDENT said the subject was surrounded with difficulties. Shoddy, for instance, was extensively used in the manufacture of cloth, but how was the manufacturer to be made criminally punishable? Frauds of quantity ought first to be dealt with: these had lately been discovered to be very common in the thread manufacture, even with respectable firms.

Mr. G. W. HASTINGS said that the guilt would not lie in the mixture of any substance such as shoddy with the article sold, but in the false pretence that the article sold was unmixed. Any measure on the subject should be comprehensive. A partial enactment, however good so far as it went, would leave the great evil in the law—its uncertainty—still existent. At present, two men might be indicted under the statute for what was substantially the same offence; the guilt might be the same, and the proof equally strong, and yet, under the judicial construction of the statute, the one be acquitted and the other found guilty.

REFORMATORY TREATMENT OF ADULT CRIMINALS.

The papers of Mr. E. B. Wheatley Balme and Mr. T. B. L. Baker on this subject will be found at pp. 492 and 504.

The Rev. R. V. REYNOLDS also contributed a paper, chiefly directed to the necessity for some supervision of liberated offenders, in order to prevent relapse into crime. Supervision by the police, or detention in 'the somewhat sickly atmosphere of a Reformatory,' should, he thought, be avoided, and the services of scripture-readers engaged,

with the aid of all ministers of religion in the public supervision of liberated offenders.

The following letter was then read from Mr. W. B. Ranken, Hon. Secretary to the Discharged Prisoners' Aid Society :—

My dear Sir,—As it is very probable that both Mr. Whitbread and myself will be prevented attending the approaching meeting of the Association, I am desirous of mentioning a few facts connected with the Discharged Prisoners' Aid Society which may be worthy the attention of those interested in subjects included under the 'Third Department.'

Since the last meeting of the Association, at which a paper I had the honour of writing on the origin and progress of this Society, was read, a most gratifying increase has taken place in the number of cases brought under its notice, and the result of its labours has been most satisfactory. Upwards of 550 cases have been entertained: 347 men and 71 women having had employment found for them, or having been aided in other ways; and 125 men and 7 women having been assisted to emigrate.

Of this large number no instance has occurred, within the knowledge of the Society, of any having left their employment charged with dishonest practices; and most of the letters received from those who have emigrated have given very favourable accounts of their success and present respectability.

One great proof of the value in which this Society is held by the discharged prisoners themselves, is this:—When the Society was first established the great majority of applicants for assistance were those who came in consequence of the recommendation of the chaplain and governor of their respective prisons. Now the great majority come entirely from information respecting the Society they must have obtained from those benefited by it.

Of course all the particulars of the cases of such men are strictly investigated; their prison character and the nature of their crimes being ascertained before any aid is rendered them.

The rule the Society adheres to, only to help those who have the whole or greater portion of their gratuity still available, has now become known to those requiring its assistance, and the willingness with which men deposit their money in the hands of the Society may be regarded as an earnest of their endeavour to lead an honest life.

Many have drawn a portion of their money every week for months from the Society while attempting to obtain employment, and in several instances have exhibited their gratitude by leaving small balances still due to them as donations.

The Society by acting, as it were, as bankers to the discharged prisoners whom it assists, is enabled to confer a great benefit on them, by preventing their money from being squandered in idle dissipation, and securing it from being lost or stolen.

When the Society assists discharged prisoners to emigrate, it employs their own money for that purpose, with whatever addition may be necessary to furnish them with a sufficient outfit, and to enable them to receive on arriving at their destination a sum of not less than 1*l.* per head for a male emigrant, and 1*l.* 10*s.* for a female.

In most instances the gratuities male emigrants are entitled to are amply sufficient for these purposes, and they very often receive on reaching their future homes several pounds, all of which is their own money; but female emigrants cost the Society a considerable sum, their gratuities always being smaller than those of the men, and the Society sending them out in steamers, in order to save them from the temptations to crime incident to a long passage on board crowded sailing vessels.

I feel I have very inadequately fulfilled the task I proposed to myself, but to dwell at greater length on the labours of the Society would oblige me to far exceed the length of an ordinary letter, and, indeed, I believe all other subjects I could speak on have been already referred to, either in the prospectuses of the Society, or in the paper read at Liverpool last year.

As it is, I must apologize for so long intruding upon your attention, and remain,

Very faithfully yours,

G. W. Hastings, Esq. W. Bayne Ranken, *Hon. Sec.*

In the discussion which was then taken—

Mr. M. D. HILL said all reformation must be accompanied by pains and unpleasantness of some kind. There was no cause for the alarm which some felt, that it would encourage crime to subject the convicts to Reformatory treatment. The difference between the ticket-of-leave system in England and Ireland was this: in Ireland it was a certificate of good character, in England it was not. Captain Crofton's convicts were considered reformed, and were sought after by employers. They began by the 'separate system,' which must not be confounded with the 'solitary system;' worked their way to an intermediate stage; and after having had trial made of their powers of self-restraint, they were liberated by ticket-of-leave.

Mr. SYDNEY TURNER agreed with Mr. Baker that the principle which had been found to work so well with juvenile criminals ought to be applied to adults. But the difficulties were greater in the case of the latter—first, there was the immense number of adult criminals; secondly, the difficulty of getting work for them, and of getting them to work; and thirdly, the difficulty of controlling and superintending them. Crime in Ireland was somewhat different from that in England; and the convict population there was much smaller. He thought the system pursued in that island would not be applicable here. We could not hope for the same success in getting employment for the convicts.

Mr. T. B. L. BAKER said he not only desired that offenders should be reformed, but that others should be saved from contamination through association with them. His plan was—first offence, a short and sharp punishment; second, an imprisonment with a long period in a Reformatory; third, 4 years' penal servitude; fourth, 10 years' penal servitude.

The PRESIDENT said Captain Crofton could not convince him that his system would prove successful in England. He had facilities for restoring the convict to society which we did not possess. He doubted, too, whether it would be advisable to shake the respect for law, and the horror of breaking it, which we had in England, but which the Irish people seemed to have lost, because with them too often the law had been the oppressor; but there was no reason why a similar system of treating convicts while in prison should not be adopted. There ought to be some modification of prison life before the criminal was again thrown upon the world. He doubted whether domestic service was suitable for convicts. The discharged prisoner should not be made an object of special favour; all our care should be that he merged into the mass of honest men, and became undistinguishable from them.

REMUNERATIVE LABOUR IN PRISONS.

In addition to Mr. EDDY'S paper, printed at p. 496, a paper on this subject was contributed by Mr. ERNEST NOEL, in which he stated that the County Jail at Wakefield contained on an average 900 to 1000 prisoners. Its annual expenditure was about 16,000*l.*, of which nearly one-third was paid by the profit on the labour of the

convicts. This admirably managed prison had so far tested the principle of prison labour as to encourage the trial of a fuller development of the system. 990 prisoners were sent to the prison at Albany, in the State of New York, in the years 1855-56. Considerably more than half were sentenced for a term of less than three months. The total expenditure for the year was 15,168 dollars. To meet this expenditure there was an income of 18,346 dollars, leaving to the prison a profit of 3178 dollars. From these and similar facts drawn from the prisons of the United States, Mr. Noel urged the practicability of making prisons self-supporting, and thus relieving the rate-payers, and adding to the general wealth of the State.

In the discussion,

Mr. FRANK CROSSLEY, M.P., said that he had gone over the prison of Sing-Sing, and found the management exceedingly good. Felt hats, carpets, &c., were manufactured in all their processes by the prisoners, who were all employed. Their work was let out to manufacturers, who competed for it. The nearest approximation to what he had seen in America of remunerative work in prisons was in the Wakefield Prison. He thought that Government ought to provide profitable employment for prisoners.

Mr. SHEPHERD stated that in the Holloway Prison the contract system had failed, and that Government was inquiring into the working of the Wakefield Prison.

Mr. SYDNEY TURNER mentioned the expense of trained teachers of labour as a considerable difficulty in the way of establishing a system of remunerative labour in prisons and reformatories. He asked Mr. Shepherd how it was that a man outside the prison, in the Industrial Home, could earn 18*s.* a-week, and at the same work in the prison only 6*s.*

Mr. SHEPHERD, in reply, stated that he could get men to make only 6 mats in a day in prison, while the same man in the Industrial Home would make 24.

TREATMENT OF YOUNG OFFENDERS.

In addition to the group of papers printed under this head, beginning at page 511,

Mr. JOHN RAWSON read a paper showing the number of children sentenced to Reformatories in Bradford since 1856. Of 29 children, 20, as far as it was possible to judge, were thoroughly reformed, 3 were hopeful, and only 6 had failed to give evidence of good conduct.

The Rev. ISHMAEL FISH gave an account of the Castle Howard Reformatory School. He stated that in this institution the admissions were strictly confined to boys who had been convicted, and, as far as practicable, to those who had been convicted more than once. The labour was chiefly spade husbandry—nine hours per day were allotted to work—and the boys were in great demand as labourers by the farmers in the neighbourhood; their earnings from this source being last year 100*l.* They were taught to read intelligently, write distinctly, and count correctly. The cost was 8*s.* 4*d.* a week per head. The number of juvenile offenders had so greatly diminished since the

school came into operation, that the districts of the North and East Riding could no longer fill it. In the town of Hull, from which nearly 50 per cent. of the boys came, it was said by the stipendiary magistrates that juvenile crime, as a system, was entirely broken up.

Mr. C. H. BRACEBRIDGE contributed a paper 'On the Emigration of Boys,' in which he stated that a Committee had been formed at Toronto, in Canada, to receive boys sent out from Reformatories in England. Its operations were begun in May, 1858, and have been continued up to this time with eminent success. In 1858 and 1859, between May and September in each year, about 40 boys have been sent out from various Reformatories at a cost of 12*l.* each. Of the 77 boys who have emigrated, 59 have remained in the places found for them by the Committee. More than one half of these are engaged in agricultural labour. None have lacked employment, and not one has been accused of crime.

Mr. C. W. EDDY, in a paper 'On the Nursery for Seamen which the Whale Fisheries present, considered with reference to the Apprenticeship of Boys from School Ships and Reformatories,' remarked on the immense falling off in our whale fisheries, and pointed out the large number of vessels engaged in the trade belonging to France and America—the latter having a fleet of 600 vessels, manned by 16,000 seamen, while only 17 vessels are sent out by England. He recommended that our fisheries should furnish employment to boys from Industrial and Reformatory Schools.

The PRESIDENT inquired as to the means by which the suggestions contained in Mr. Eddy's paper might be acted upon.

The Rev. I. FISH stated that the applications to the Hull fishing vessels for the admission of boys were more numerous than could be met. On the subject of Reformatories, he also said, in answer to the chair, that, on the whole, he preferred large institutions.

Mr. T. B. L. BAKER believed that no rule could be laid down as to the number of which a Reformatory school should consist. For himself, he preferred 35 rather than 45. The Glasgow school was undoubtedly cheaper from the large number of inmates. He was strongly of opinion that a penal Reformatory should be established. He hoped that boys above the present legal age might soon be admitted to Reformatories.

Mr. BRACEBRIDGE thought that there was a deficiency in the supply of managers, and observed that, in Scotland, there was a larger selection of qualified men at a lower expense. He preferred the family system for Reformatories, and thought that 40 or 50 was the normal number. There was much official opposition to a penal Reformatory, but Parkhurst Prison could be at slight expense turned to that use immediately.

Mr. M. D. HILL, after stating that in his opinion Parkhurst was a valuable institution, and possessed all the appliances necessary for the purpose of a penal Reformatory, moved—

That the Council of this Association be requested to memorialize Her Majesty's Government to take steps for the establishment of a Penal Reformatory for the reception of exceptional cases.

Miss CARPENTER, in seconding the resolution, adverted to the subject of large and small Reformatories. She thought that expense was not the principal question. The number of children in Reformatories ought not to exceed 40 or 50; Mettray, indeed, contained 600, but it was an aggregate of separate families. She feared the moral effects of a congregation of large numbers.

The PRESIDENT did not see why this class of youthful offenders should not be sent to prison; there could be no difficulty in applying Parkhurst Prison to this purpose as far as was required.

Miss LOUISA TWINING advocated the sending of children to Ragged Schools and Reformatories immediately on the discovery of their criminal tendencies.

Mr. SHEPHERD thought that the object aimed at in the resolution might be effected locally. A boy who misconducted himself in a Reformatory might be sent to the prison under a short but stringent sentence.

Mr. E. B. W. BALME was in favour of the employment of Parkhurst for this purpose. They might at present carry out Mr. Shepherd's suggestion by conviction before a judicial authority, if the boy had committed a legal offence; but this was not common. The power of removal from a Reformatory in such cases should be vested in the Secretary of State.

Sir HARRY VERNEY objected to the distance of Parkhurst, and suggested a more central situation.

The resolution was carried.

Mr. MORGAN, on the subject of the Industrial Schools' Act, objected to the clause of the Act which threw the onus of recovering the maintenance of the children from their parents on the managers of the schools. He regretted that there was no power to compel the police to apprehend all vagrant children—a class which ought to be well defined.

Mr. BRYAN, superintendent of the Manchester Ragged School, had always found a difficulty in reaching the beggar children, so as to take charge of them authoritatively, and he wished for an enactment of the nature of the Dunlop Act for Scotland. In his school the parents refused to pay. It was difficult to enforce payment.

Mr. E. W. BALME moved, and Mr. ALFRED HILL seconded, the following resolution, which was carried unanimously:—

That the Industrial School Act has remained practically inoperative, chiefly in consequence of the insufficient definition of the class of children who are the object of it; and that the Council be requested to consider the alterations required in the Act to render it thoroughly effective in this respect, and also to provide for the removal of the duty of recovering the parents' payments from the school managers to the overseers of the poor or some public officer.

The PRESIDENT, after congratulating the Department on the number of interesting subjects that had been brought before them, and the fair amount of attention given to each, called their notice to the different treatment required for female from that required for male offenders in prisons, and expressed his hope that this subject would be well considered at the m[illegible] of the Association.

PUBLIC HEALTH.

THE CONDITION OF THE PUBLIC HEALTH.

On the Public Health of Bradford, and on some of the Causes which have influenced its Condition. By WILLIAM HECTOR HUDSON, *Town Clerk, Bradford.*

I PURPOSE to consider the condition of the four townships of Bradford, Bowling, Horton, and Manningham, now forming the borough of Bradford, as respects local sanitary legislation, from 1803 to 1841, and to compare the past and present mortality of the district. I will attempt also to account wholly or in part for the results shown by the registers.

The following table shows the extraordinary increase of the borough population—

1801.	1811.	1821.	1831.	1841.	1851.
13,264	16,012	26,309	43,527	66,718	103,786

The situation of the borough is naturally healthy. The air is nevertheless accounted keen and piercing, hardly suited to the invalid, but for a healthy person highly salubrious.*

In 1803 a local Act was passed for paving, watching, lighting, and improving the town. Some idea of the notions of sanitary science, then prevailing, may be formed from the requirement of the Act, that the inhabitants should keep in their houses, yards, &c., ashes, rubbish, dirt, dung, and filth, until such times as the scavenger of the Commissioners should come round to the doors of their houses and premises, and then deliver the same to the scavenger, who was to attend twice a-week at least, and by sound of bell, loud voice, or otherwise, warn the inhabitants of his approach. This provision, with others restraining the emptying of necessary houses after five in the morning, or before ten at night, and penalty clauses for the non-removal of hog-sties, swine cotes, necessary houses, dunghills, or middens near to streets, lanes, &c., and for the consumption of the smoke of factory and engine furnaces, sum up the sanitary regulations of this Act, which continued in force till 1850.

* James's *History of Bradford.*

With the beginning of the present century the factory system may be said to have taken its rise, and its adoption in the worsted manufacture led to the development by rapid steps of that branch of trade in which Bradford began to give signs of attaining the ascendancy which it has since established beyond the reach of the rivalry of neighbouring towns.

The combing of wool was a branch of the trade which employed a very large number of adult operatives. The work was done at their homes, and required the use of stoves, generally heated with charcoal, the fumes and heat from which were the source of much filth and unhealthiness in the workman's dwelling, the process being generally carried on in rooms where the family lived and slept. This, as a branch of manual labour, gradually gave way to the introduction of the woolcombing machine, which has come into extensive use during the last ten years.

Up to 1842 the inhabitants of Bradford were almost wholly supplied with water for their domestic use from pumps and wells in or near their houses, and by water hawkers. In that year a company was established, empowered to bring water for the town from the Manywells Springs, of excellent quality, and sufficient for the domestic requirements at that time of the urban and lower lying parts of Bradford, and of the adjoining townships.

In June, 1847, the borough was incorporated for municipal purposes by Royal Charter, and in 1850 an Improvement Act was obtained repealing the old local Act, and vesting in the Town Council the powers of administering the new Act within the borough. This local Act incorporates the Public Health Act, and constitutes the Town Council the Local Board of Health.

No systematic sewering of the town has taken place either under the old or the new Improvement Act. The drains and sewers which do exist have been made by private owners to serve their own property, or by the surveyors of highways, who, by a wholesome excess of authority, constructed them at a greater depth than was necessary for the purpose of draining the public ways merely, and so contributed to the better drainage of the houses. A branch of the Leeds and Liverpool Canal, in its upper reach extending into the town, is supplied with what can hardly be called water, but may be described as a black semifluid from the main brook, and the almost stagnant pool so formed has been at times so charged with offensive gases as literally to have been set on fire, the flame flickering on the surface where the gas was bubbling out. This has been in dry and hot seasons.

Since the Act of 1850 came into operation, at least 6000 houses have been built, and 250 streets laid out under the regulation of the Town Council acting as local Board of Health, and a very considerable improvement has been effected in new buildings and streets, but back-to-back houses have still been erected from want of direct authority to prohibit them.

The Town Council have purchased the existing waterworks from the company, and are now constructing works for supplying both

domestic and trade requirements, which, when completed, will place the borough on at least an equality with any of the great towns or cities of the kingdom as regards a complete supply of water of first-class quality for all purposes, and in quantity to meet the rapid growth of the population and trade of the borough, and of the closely bordering villages for many years to come.

The question of a complete and efficient system of sewerage is now under the consideration of the Town Council.

Though both in the first local Act, the bye-laws under the Municipal Act, and the Act of 1850, the consumption of smoke from engine chimneys and furnaces has been the subject of requirements under penalty, nothing has really been done to enforce either the entire consumption, or a diminution of smoke. It is said, moreover, that from the very sulphureous nature of the engine coal of the district, there is more than usual difficulty in getting rid of the black smoke. Some few persons have ventured to contend that the smoke is no detriment to the general health, its bad effects upon the pulmonary and respiratory organs being counterbalanced by the tendency to check the spread of fever or other infectious disorder influenced by the state of the atmosphere.

In no place in the kingdom is there a greater proportion of the entire population engaged in trade and business. Above one-half of the adult males are employed directly in manufactures. 513 adult men, 304 adult women, 282 young men, and 330 young women, out of every thousand of those respective descriptions are so employed. As a consequence, the menial class (servant-men and maid-servants) and the professional class are less numerous than in almost any other place in the kingdom.

I proceed now to notice the results which the Registers of Deaths give since the year 1840. The present population is about 130,000:

Years.	Population.	Deaths.	Mortality per 1000.
1841	66,718	1720	25¾
1846	83,000	2570	31¼
1851	103,786	3022	29½
1855	123,000	2545	20½
1858	130,000	2938	22½

When the population of the borough was less by thirty or forty thousand, the mortality was greater than in 1858. Had it been otherwise, had the number of deaths exceeded previous returns, in a place increasing so exceptionally fast during the period, there would not necessarily have been cause for serious alarm, seeing that in the year 1858, throughout England, the drought and unseasonable winter, or other causes, had increased the general mortality, not only in towns but rural districts, to an unusually high degree—diphtheria and scar-

latina making impartial ravages amongst both scattered populations and those of large cities.

Between 1841, when the population was 66,718, and 1851, when the population was 103.786, the average yearly number of deaths was 2321, or 27¼ per 1000; and between 1851 and 1858, both inclusive, the average number of deaths was 2840, or 24·18 per 1000. These figures establish the important conclusion that, in spite of a rapid increase in the population, the borough has actually become healthier as inhabitants have crowded on its previously vacant spaces.

I think it most probable, and all but certain, that the prime cause of this good result is to be found in the sanitary action exercised by the Corporation under the powers of their Act of 1850. A reasonable interval for the officers and board to get their sanitary machinery into gear should, of course, be allowed, after the passing of the Act in 1850; and if we assume three years for this purpose, a striking result is shown by taking the returns since 1853, including last year, the average death rate being rather under 22 as against 24·18 for the years 1851 to 1858 inclusive, and as against upwards of 27 in the 1000 in the eleven years ended 1851.

In the last five years the average yearly number of deaths was 2712, or 21¾ per 1000. Compare the above with the returns for the five previous years, when the average yearly number of deaths was 2976, or 28·45 per 1000. Thus showing a death rate in the five years from 1849 to 1853 of upwards of 28 to 1000 against rather less than 22 in a 1000 in the five years ending 1858, or nearly 25 per cent. more deaths in the earlier than in the latter period. Above 1000 persons more per annum would have died in that time if, instead of the death rate being reduced to less than 22 in the last five years, it had been maintained at upwards of 28 in the 1000.

I believe that the following causes may be fairly taken to have been most instrumental in improving the health of the borough:—

The regular removal of night soil by a contractor employed by the local board.

The prevention of the use of rooms over common privies for sleeping rooms.

The removal of noxious accumulations round dwellings, and better scavenging of streets.

The regulation of lodging-houses.

The suppression of the worst of the cellar dwellings in the borough.

The extension of the water service into cottage dwellings generally.

The improvement in the plans of the new dwelling-houses for the working classes built since the Improvement Act came into operation, and widening of new streets.

It would, however, be fallacious to ascribe all the improvement to the action of the local authorities. The extinction, now almost total, of the hand-combing of wool—an occupation which destroyed

the health and comfort not of the workman only, but of his family —and the improved social condition of the working classes generally, must have operated favourably and almost universally.

The Registrar-General gives the rate of mortality to each 1000 of living persons in large towns during 1858 at an average of about 25, and in country places of 21. It will therefore be seen that, considering Bradford is far above the average of large towns in its population, and its crowding of the surface, its rate of 22½ to 1000 in that year is a very favourable one.

Past experience having to all reasonable demonstration shown how human life has been saved by the use of such inferior and secondary agencies as have been adverted to, there ought to be an additional anxiety not to neglect the very first principle and foundation of sanitary action—the removal of the excreta from the town by the construction of a proper system of sewerage. Though economy be a pretext for neglect, no greater extravagance can be committed than when human life and health are sacrificed from the want of this great requisite, while no greater economy can be practised than in using the best means, even if costly, for preserving the health and vigour, and lengthening the duration of life of our population.

On the Apparent Increase of Epilepsy among the Working Classes of the Town of Bradford. By WILLIAM MACTURK, M.D., *Physician to the Bradford Infirmary and Dispensary.*

THE number of cases of epilepsy which have presented themselves of late years at the infirmary and dispensary of this town having arrested my attention, and an impression created thereby that the disease was on the increase, I was led to look over the register of patients (coming under my care), which had been kept since the foundation of the charity, in 1825, with a view to ascertain how far my suspicions would be confirmed or otherwise. The following are the results:—The gross number of cases admitted from 1825 to 1859 was 2600, of which 520 were epileptic, being an average of 20 in every 1000 for the whole period. But this average was not uniform, it having increased from 15 per 1000 in the first decennial period, to 18 in the second, to 24 in the third, and in the last four years having mounted up to 34, or more than double the proportion of thirty years ago.

It is found in these returns that the disease of epilepsy is more common among females than males, in the proportion of more than 3 to 2. Females also appear to be slightly more amenable to treatment, to the extent of about 7 per cent. in their favour. No age is exempt from the disease, some patients only a few months old and one at least aged 70 having come under observation. The greatest

number, or about 50 per cent. of those affected, were from 15 to 25; 25 per cent. under 15; 15 per cent. from 25 to 40; 6 per cent. 40 to 55; and 2 per cent. above 60 years of age.

It may here be remarked that the register of patients referred to shows a similar increase in the kindred disease of St. Vitus's dance.

There is great variety in the manifestations of epilepsy, both as to the severity and frequency of the paroxysms. Some sufferers have fits both night and day, some only in the night, others only in the day. The intervals between the attacks differ greatly, varying from a day or two to weeks, and even months; one person, recently under treatment, having for the last eighteen years had a return of the disease only once a year, then having six or eight fits together, and afterwards remaining free for a year. Some will have a single fit only at a time; others will go through a succession of fits one after another, with scarcely a pause for hours together. Some are conscious of the approach of an attack, so as to guard against injury from falling; others—and those the most numerous—fall suddenly, without the least warning. The greater number are horribly contorted in face and limb; a few lie comparatively free from convulsion. All, or nearly all, come out of the attack without the least consciousness of what has happened; and, but for the headache, lassitude, and soreness which usually follow, they would not know, except from bystanders, that they had suffered so lamentably. One case, however, is known, of an interesting boy of fourteen, who has suffered from infancy, in whom neither consciousness nor speech is ever lost during a paroxysm, although the convulsions are both severe and frequent. It is a curious and consolatory fact that a considerable proportion of the victims of this malady enjoy good health between the attacks, not unfrequently looking even robust; and it is consistent with my experience, that when the disease is not associated with idiotcy, the intellect may remain but little, if at all impaired, even although the attacks may never be wholly subdued. To this statement an exception must be made in respect of those very painful cases in whom the attacks are accompanied by violent insanity; and even in those cases the mind often becomes calmed, and the intellect restored to its wonted tone until the approach of another paroxysm. I have never known a true epileptic die in a fit: of course it is not meant to include in that term persons afflicted with convulsions arising from other diseases, nor deaths occasioned by accidents during a fit.

Much more might be said on the phenomena of this distressing malady, and something as to its treatment, but obviously it is not the province of this section to enter into these subjects, but rather to call the attention of others to the serious import of the question, whether it is on the increase among the factory workers of this and other towns.

Now it might be unsafe to infer conclusively that the large increase of cases of epilepsy which is shown to have taken place in the practice of the infirmary and dispensary of Bradford is proof of the disease having increased to that extent among the classes who are in the

habit of resorting to it for medical aid. I can only say that I know of no other way of accounting for the increased numbers. I should hope the subject may attract the attention of other medical men, who, having the means, will give the results of their experience, and thus we may be enabled ere long to ascertain whether the proportion of epileptic cases to the number of sick, as shown in the above statement, is greater or less than in other towns similarly circumstanced; whether the disease is in other manufacturing towns on the increase; and also whether the disease prevails more extensively in manufacturing towns than in towns not engaged in manufactures, or in rural districts. These are questions deeply interesting to our factory working population, and until they are answered, it would be premature to suggest or even inquire into probable causes.

THE CAUSES WHICH MODIFY THE PUBLIC HEALTH.

On the Physical Effects of Diminished Labour. By ROBERT BAKER, *one of Her Majesty's Inspectors of Factories.*

A PAPER on the physical effects of diminished labour would be of little or no value unless it referred to some peculiar form of employment, which had been so tested by external agencies as to give comparisons of those effects on the persons engaged in it between one period and another.

The general as well as peculiar effects of labour on the animal organization may be observed by all who take an interest in this question; but as labour peculiarly affects the sensibilities, and as the sensibilities of men are of the highest order in creation, so it is as to its effects on the human species, as labourers in the great vineyard of competitive industry, that social science seeks to elicit information from those who, from whatever cause, whether by their profession, by choice, or by accident, have been enabled to gather facts together on a question so vital in every point of view to personal as well as national interests.

The present inquiry must, however, be limited to the labour of children and of young persons, especially females, in factories, who, by the introduction of machinery, have been made to contribute so largely to the various productions of the country; since although physical effects may be noticed upon all labour, either congregated or diffused, these are modified by the causes which additionally operate upon congregated labour—such as long continuance in the same position, protracted maintenance of the weight upon the lower extremities, great mental excitement, early and late hours, impure atmospheres, and exposure to different temperatures, with often indifferent sustentation.

It is scarcely yet a century ago since what is called 'the Factory System' took its rise in this country, drawing labour away from

the homes of the people, where it was then found; and by a progress, rapid because profitable, congregating the sexes, young and old, good and bad, in groups under the same roof—that it might be more under the control of, as well as be more convenient to, the capitalist; and as in many instances parents were, as they are still, the employers of their own children, so to multiply the number of workers in the same family was to multiply the weekly income, and thus to add to the comforts and luxuries of the whole family. Then it was when the parents of factory workers were seen to obtain such pecuniary benefits from their employment that the general population became desirous of sharing in them; and children of all ages, from five years old and upwards, were offered for the service. To such an extent did this proceed, that parents have been known to carry their own, or even other people's children on their backs, at four o'clock in the morning, four or five miles to the factory, and to bring them home as late as seven or eight at night, and even nine; and thus there arose a combination of very early years, and very long hours, with most prejudicial results to the physical, as well as to the social and moral condition of the community, which called for legislative interference so loudly that it was impossible to be misunderstood. Permit me to read you an extract from the letter of a Bradford gentleman, dated August 27, 1859, showing now what was then the practice:—

'Our manager tells me his father was accustomed to carry him on his back to the mill at five o'clock in the morning, where he worked till seven or eight o'clock at night, with only half an hour for meals.'

The number of similar examples which at that period existed were the reasons for the Factory Acts. And passing by all the collateral effects of the system as it stood, and referring now only to the physical condition of the employed, past and present, I will endeavour to show what has been the result of that interference at the close of the twenty-five years during which it has been actively operative; and whether, independently of any other results, it was judicious to diminish the competition between the steam-engine and the physical endurance of the workers, for which there was so great an outcry in 1832.

We must first notice the number of persons, their ages, and sexes, who were employed in the kind of labour which was charged with producing a specific class of diseases resulting from long hours.

Secondly. What were those diseases, if any, arising from it?

Thirdly. Whether the area over which those diseases were scattered was limited to that in which the long hours were worked? and

Lastly. Whether under the present system of restriction those diseases continue?

In 1828, and from thence downwards—thus five years before the present Factory Acts were passed—I was, as a medical practitioner in Leeds, professionally engaged in the daily and nightly visitation of several factories. I was employed by the mill-owners, and paid by them, 'to stand between them and the public, with reference to the effect of labour on their workpeople, with power to enter their

factories at all times by day and by night, and if I found their employment prejudicial to the children, to put them to half time, or discharge them altogether.'

This was the origin of the half-time system; and these terms alone, independently of any other evidence, seem to me to practically prove that at that date there was an outcry, and with the outcry, a cause for the course which these gentlemen adopted in defence of their reputation; and that they at least took steps voluntarily to remedy the evil complained of.

In 1832 a large amount of medical and general evidence was given before a Committee of the House of Commons on the factory system, which was followed by a Commission of Inquiry. That Commission recommended that a limit should be put to infantile and female labour; and hence the subject of this paper.

It was often asked during the sitting of the Commission, and it has been demanded since, 'Why factory labour should be alone restricted?' At that time the answers were obvious—viz., because numbers could be easily dealt with; because the highest percentages of these numbers were females, hereafter to be the wives and mothers of future workers; and because among them were many children of very tender years. But now that we have had abundant experience of the working of this restriction, these answers have become very much enlarged. Not only do the former reasons continue to exist, but in addition there is in reality no reason why factory labour should be alone restricted. The working of the Factory Acts have clearly shown us that excessive labour and the maintenance of physical power are incompatible; and in proclaiming the benefits which they have conferred upon the factory operatives, not only without prejudice, but with actual benefit to both industry and capital, they have taught us how so to modify similar restrictions on other kinds of labour that they may be all carried on conjointly with education, till labour is old enough to be independent, and educated enough to make that independence the stepping-stone of health and the basis of social progress.

The first of the present Factory Acts was passed on the 29th of August, 1833. In 1835 the first census, so to speak, of the persons employed within the walls of factories was taken. The gross number was 354,684, of which 56,455 were children under thirteen years of age, and 167,696 were females above thirteen years of age. Of the children, 30 per cent. only were at school.

And now, with these figures before us, as there are no statistics extant of the number of persons actually suffering from diseases arising from this labour, we must go back to the Report of the Commissioners of 1832 to find its effects on the physical condition of the people subject to it.

'It appears,' say they in evidence, 'that in some rare instances children begin to work in factories at five years old. It is not uncommon to find them there at six. Many are under seven, still more under eight; but the greatest number are under nine.

'The effects of factory labour on children are immediate and remote.

The immediate effects are fatigue, sleeplessness, and pain. The remote effects, such at least as are usually conceived to result from it, are deterioration of the physical constitution, deformity, disease, and deficient mental and moral culture.

'Young persons of more advanced age, speaking of their own feelings when younger, give such representations as the following :—

'Many a time has been so fatigued that she could not take off her clothes at night, or put them on in the morning. Her mother would be raging at her through the house, because when she sat down she could not get up again.

'Parents complained that their daughters had gone to bed supperless from fatigue.

'These statements,' say the Commissioners, 'are confirmed by the adult operatives. The depositions of the witnesses of this class are to the effect that the younger workers are greatly fatigued, that young workers are absolutely oppressed, and so tired as to be unable to sit down or rise up, that the sufferings of the children absolutely require that the hours of work should be shortened.

'Pain in the limbs, back, loins, and side are frequent. The frequency and severity of the pain uniformly bear a strict relation to the tender age of the child and the severity of the labour. Girls suffer from pain more commonly than boys, and up to a more advanced age. The young children are sometimes so distressed with pain in their feet, in consequence of the long standing, that they take off their shoes, and so take cold.'

The Commissioners then sum up as follows :—

'That the excessive fatigue, privation of sleep, pain in various parts of the body, and swelling of the feet experienced by the young workers, coupled with the constant standing, the peculiar attitudes of the body, and the peculiar motions of the limbs, together with the elevated temperature and the impure atmosphere in which that labour is often carried on, do sometimes terminate in the production of serious permanent and irrecoverable diseases, appears to us to be established.

'From the whole of the evidence laid before us, we find—first, that the children employed in all the principal branches of manufacture throughout the kingdom work during the same number of hours as the adults; secondly, that the effects of labour during such hours are, in a great number of cases, permanent deterioration of the physical constitution, the production of disease wholly irremovable, and the partial or entire exclusion (by reason of excessive fatigue) from the means of obtaining adequate education and acquiring useful habits, or of profiting by those means when afforded.'

Thus the Commissioners speak of deformity and disease as a proved result of long hours of work.

The deformities consisted of in-knee, flat-foot, and curvature of the spine—as horses 'stand over,' as it is technically called, after being overworked—so it was with these factory children. The first of these deformities was familiarly known in the manufacturing dis-

tricts as the 'factory leg.' There was scarcely a thoroughfare in any of them where they were not to be seen. The diseases consisted of those of female life—varicose veins, general loss of tone, sallowness of complexion, cervical abscesses, and pain.

'I never was a strong young woman,' says one witness, 'my legs are nearly straight now. It was when I worked these long hours that they first began to ache and turn in.' 'I worked from six to nine,' says another, 'the pain in my knee began then. I told my mother it was making me crooked, but she said I was like to bear it till she could get me another job. My feet did not swell, but my ankles and thighs did.'

A prodigious number of witnesses, all testifying to the same facts, in many of whom they were personally patent, at last compelled Mr. Drinkwater, the Leeds Commissioner, to the conviction of the serious evils which then arose from factory labour, though he argued to show that it was the duty of the people to point out the precise boundary between the utmost limits of labour without deformity, and where deformity or disease began. What he wanted them to find was the maximum amount of labour to which the average of the workers could be put without detriment. He laid upon insufficient sustenance the blame of much of the deformity which he found in the mills, and in so doing ignored not only the necessity of an amount of labour which should not injure even the weak, but the moral obligations between master and servant for all.

On the other hand, his co-commissioner, Mr. Paver, who examined some of the Leeds, and all the Bradford witnesses, seems to have taken a more enlarged view of the question. He says—'In all these branches of manufacture, though some are abstractedly more unwholesome and some more laborious than others, the gravest and most serious evil is the injury resulting to the frame and limbs of children when obliged at a very tender age to keep a steady position during a period of great length. At Bradford we met with more direct testimony of the effects of long-continued labour on the bones of children in the persons of a great number of cripples, who, notwithstanding the opposition to our inquiries there, presented themselves for our examination. We had reason to believe that we saw but a small proportion of the cases of deformity existing.'

I think it is thus satisfactorily shown that, up to 1832, there was in factory labour a physical deterioration of the workers engaged in it. All medical men of that day bore witness to the fact, if they did not give evidence of it.

It is, however, very pertinent to the question to ask whether these peculiar diseases were limited to the area in which the long hours were worked; for it was said at the time that there were districts in which there was no such overwork and no such deformities, and therefore it was a great hardship upon them to include them in the Act. So indeed it did appear physically, but neither socially nor morally. There was a time when competition had not originated these fearful evils in the Lancashire and Yorkshire districts; but they afterwards

arose upon the pressure of external circumstances, and but for this Act, would have become universal over every district. Moreover, it always appeared to my mind that the fact of there being manufacturing districts at all where only reasonable hours were worked, and, therefore, where there were no cripples, proved the people's case in the districts complained of. That there were such districts we find from the report of Mr. Horner, another of the commissioners, who, speaking of Stroud, says:—

'The usual working hours of the children are ten, and sometimes eleven. In their case night work is rarely resorted to, and never as a general system. We have found no instance of unhealthy appearance or deformity amongst the numerous children we have seen in the mills; on the contrary, they bear evident signs of being well fed, of their employment being healthy, and they are extremely well clothed.'

'All the evidence,' says Mr. Woolriche, Mr. Horner's colleague, 'goes to prove that there is nothing in the clothing, silk, or lace manufactures of Gloucestershire, Somersetshire, Devonshire, or Wiltshire, as usually practised in those counties, calculated to produce any bad effect upon the health of the children or young persons employed in them; and I state deliberately that I saw no case of distortion or disease which could in fairness be solely attributed to the employment of the individual.'

It remains, then, only to consider whether in those districts where they were found, those diseases and deformities continue under the present restriction of labour.

In order to view this part of the question aright, we must look at the increase of those workers within the walls of factories since 1835. There were in 1856, and there are at the present moment, employed within the factories of the United Kingdom, 682,517 persons, compared with 354,684 in 1835. Of these 387,826 are females, compared with 167,696 in 1835; and 46,071 are children between eight and thirteen years of age, as compared with 56,455. There is thus a gross increase of workers of 92 per cent.: the increase of females being 131 per cent., and nearly as many children as there were formerly; and yet all the diseases which were specific to factory labour in 1832 have as nearly as possible disappeared. We seldom or never now see a case of in-knee or of flat-foot: occasionally one of slight curvature of the spine, arising more from labour with poor food than from labour specifically. The factory leg is no more amongst us, except as an old man or woman limps by, to remind one of the fearful past, or of the more rational and social present. The faces of the people are ruddy, their forms are rounded, their very appearance is a joyous one; and although it is not attempted to be denied that, even with the present hours of work, in weakly and scrofulous constitutions, factory labour, like any other kind of labour, may induce occasional deformity, yet so much carefulness is exercised by the certifying surgeons in passing only healthy children, that they are extremely rare, and the sufferers are never permitted to continue at work.

That the protection of the physical powers of the workers in factories has been accomplished I am happy to be able to confirm by the testimony of others as competent to speak to the question as I am myself. I was anxious to do this, and therefore I wrote, in August last, to nine of the certifying surgeons having the largest flax, wool, cotton, and worsted districts within the area of the complaints of 1832, viz., Leeds, Bradford, Bingley, Stockport, Hyde, and Wigan, putting to them the following questions :—

'Do you ever now see, either officially or professionally, any of those cases of deformity once so prevalent amongst the workers in factories? or is there any other kind of disease existent among them which you can fairly attribute to the labour in which they are engaged?'

The two surgeons of Leeds to whom I wrote, Mr. S. Smith and Mr. Price—the former the senior surgeon of the infirmary, the latter a late lecturer on anatomy, and who conjointly certify for flax and woollen mills which employ 6237 persons, of whom 2495 are females, and 505 are children—write as follows :—

'I have scarcely ever noticed,' says Mr. Smith, 'any cases of factory deformity at the mills, but I occasionally see them at the infirmary. The cases, however, are few and far between, when compared with the numbers which came under my observation about the year 1832 and before.

'In the infirmary last month there were at the same time in the wards three cases of deformity at the knees, which were much benefited by the treatment resorted to. What, however, has struck me most, is the wonderful change in the condition of the female part of the population since the passing of the Act. Let me describe to you what has come under my own eyes. In 1832 I had frequent occasion to pass through a district at noon, when the hands were leaving work for dinner. At that time a large majority of them were pale, thin, emaciated, downhearted-looking creatures, showing no disposition to mirth and cheerfulness. At the proper age the hips were wide, but sharp and angular; the shoulders pointed; the head not held up, but a considerable stoop. I now occasionally pass in the same direction, and see the successors of those girls, who work the shorter hours of the Factory Act. The difference is most striking in every particular. They are now fair and florid, strong and muscular, not only cheerful, but full of fun. Instead of the sharp angles formerly seen in their figures, all the outlines are well rounded off, particularly at the hips and shoulders. So striking a difference in twenty-five years I could not have believed, had I not marked and seen it with my own eyes; and I shall to the day of my death always feel proud that I was one of those to use my best endeavours, as far as I was able in my own province, to bring about the change which has been of such great advantage to the present, and which I believe will still further benefit future generations.'

Mr. Price writes :—

'You ask if I ever see anything of the deformity formerly seen

amongst factory operatives. I say no, or, at least, nothing like them in number. The deformities formerly were chiefly spinal curvatures, weakness of the knees and ankles; the diseases, scrofulous complaints, chronic ophthalmia, and cervical abscesses. Of these, little are now seen, for the reason, I suppose, that medical supervision is useful in detecting incipient disease and deformity, and thus passing only the healthy and well-formed to mill-labour. As for any special class of diseases arising from factory labour, I do not know them in particular, *i.e.*, from those affecting young persons otherwise employed. It is a general observation that since twenty or thirty years ago there is a beneficial change in the working classes, and I should say in none more than in mill labour; for the hands, more especially the female part of them, are better fed, taught, and clothed, and are decidedly more moral and well-conducted than formerly.'

Then with respect to Bradford and the neighbourhood, where the cripples were so numerous, there are two certifying surgeons, Mr. Poppleton and Mr. Douglas, who certify for the whole district of town and neighbourhood—for mills which employ 20,301 persons, of whom 13,602 are females, and 1535 are children.

Mr. Poppleton writes:—

'I can say with safety that now we rarely see deformity from factory labour. Lateral curvature I sometimes see, from using one arm only and reaching over much, as in bobbin layers, but very seldom, and only when there is strong strumous disposition. I do not at this moment remember any disease arising purely from factory labour.'

Mr. Douglas writes:—

'I am gratified in saying that it is rarely indeed we now see those extreme cases of deformity which were so prevalent five-and-twenty years ago in this district, and which we may reasonably attribute to limiting the hours of labour, and to the increased attention paid to the ventilation and cleanliness of factories.'

Mr. Ainley, of Bingley, and Mr. Mackley, of Wilsden, a district between the cotton and worsted neighbourhoods, two surgeons who together certify for mills which employ 5387 persons, of whom 2740 are females, and 710 are children, write:—

Mr. Ainley says:—

'I have only seen one case of deformity for a long time, and that a case of in-knees.'

Mr. Mackley, after commenting on the diminished cases of deformity, says:—

'The Factory Act is one of the greatest blessings ever conferred on our factory operatives, and I am happy to say that thousands know how to appreciate it.'

I show you the same happy testimony with regard to part of Lancashire and Cheshire:—

Mr. White, who certifies for factories at Wigan, which employ 9750 persons, of whom 6770 are females and 340 are children, writes:—

'Cases of deformity arising from the labour peculiar to factories are now very rare. I do not at present recollect any; but I often see cases in old men, perhaps overlookers, who have worked in factories since they were seven or eight years old.'

From the cotton districts also of Stockport and Hyde the answers from the certifying surgeons, concerning the hands of all the mills in those neighbourhoods, are most remarkable.

Mr. Bellott, who is senior hospital surgeon and inspecting surgeon for recruits; Mr. Downes, who is also an hospital surgeon; and Mr. Tinker, who is the union surgeon for Hyde, write separately as follows:—

Mr. Bellott, of Stockport:—

'I have seen very few cases of serious deformity arising from factory labour, as a senior hospital surgeon, or in the mills, as certifying surgeon. As inspecting surgeon of recruits, I meet occasionally with young men having a slight curvature of the spine arising from factory labour.'

Mr. Downes, of Stockport, adds:—

'I have much pleasure in stating in my own experience, that cases of deformity among children and young persons employed in cotton mills are now extremely rare; and I would venture to add, that when any such do occur, on investigating their previous histories it will in all probability be found that they have suffered from struma in the joints in early childhood. Moreover, my impression is, that we have fewer cases admitted in hospital with diseased joints than formerly, a circumstance, if true, not wholly to be explained by a better system of previous treatment. I have no hesitation in saying that I am not aware of any specific disease arising from mill labour in any well-conducted establishment.'

Mr. Tinker writes:—

'The cases of deformity which used to be so common, as the result of factory labour, are now never met with in this locality. Even bronchitis, which formerly was so frequent and injurious to the health of those working in the card-rooms of cotton mills, is of rare occurrence. Severe cases of strumous ophthalmia used to be very general, but are now much less numerous, and of a milder form.'

I have thus given you not only the result of my own experience, but the local testimony of gentlemen who weekly visit mills which employ in the aggregate upwards of 70,000 persons, of whom upwards of 40,000 are females, and 4500 are children, and who all testify to the same fact, viz., the almost entire disappearance of deformity, and the non-appearance of any other disease specific to factory labour. And it is exceedingly gratifying to find that an experiment which had many opponents when it was about to be tried, has been productive of such great benefit to the working classes, without, I believe, an atom of either personal, commercial, or national wrong.

I venture to make this latter statement on three grounds:

First, because although the hours of work have been very much diminished, wages have increased, in some cases as much as 40 per

cent., and generally about 12 per cent., and therefore the means of providing home comforts by the people have been multiplied. Secondly, because it has not diminished any kind of textile production, and therefore it has not injured our national prosperity. Our exports of manufactures in 1844 and 1858 show this in a remarkable manner:

Value of Exports in	1844.	1858.
Calicoes, white and plain	£9,237,045	£18,288,393
Ditto printed and dyed	8,128,789	13,147,280
Cambrics and muslins, printed, dyed, and plain	124,019	236,898
Other kinds	1,325,016	1,749,277
Total Cotton manufactures	£18,814,869	£33,421,843
Cotton twist or yarn	6,988,080	9,579,479
Linen manufactures	3,024,353	4,124,356
Silk ditto	736,455	2,096,310
Woollen goods	8,204,133	9,776,944
Total	£37,767,890	£51,998,927
Increase	£14,231,037	

Thirdly, because the people are neither less moral nor less intellectual by the leisure which it has afforded them.

In support of this view, I appeal to the living and flourishing institutes for intellectual improvement, to the lectures, to the musical meetings, to the allotment gardens, and to all the other sources of pleasure and profit which are now to be found, not only in the towns, but in almost every hamlet of these factory districts, sources of refinement and civilization which only take their date from the possession of the privileges which restricted labour conferred upon the people—I mean the Saturday afternoon, of itself one of the greatest blessings ever conferred upon them, and the certainty of knowing when the masters' time ends and their own time begins.

And I am sustained in this appeal by a testimony which is the more valuable, because it is not only recent but involuntary.

In taking up the *Daily Telegraph* of Saturday, the 27th of August, I was forcibly struck with their correspondent's remarks upon the recent Bradford Festival, and coming from such a source it was most felicitous for my purpose.

'What was most remarkable,' says he, 'in the performance of the *Messiah*, as at every other performance that has taken place during the Festival, was certainly the singing of the chorus, which was really marvellous, and which is still more astonishing when it is considered what these accomplished choristers are. They are not singers by profession; they are not even the children of well-to-do people, who might be rich enough to give some sort of artistic education to their sons and daughters. This Bradford Choir, which Mr. Costa declares to be the first he ever heard, and which is quite as remarkable for the intelligence and moral acquirements of its members, is composed entirely of factory hands.'

I have thus endeavoured to place before you the whole question of

the effects of diminished labour without exaggeration or prejudice, and I trust that the reiteration of these bygone tales has not been tedious, for whatever relates to the well-being of our fellow-creatures is of vast importance to us, both in society and as a nation. To one thing more I may perhaps be permitted to add my individual testimony—viz., to the general and generous spirit of obedience to the law which has so restricted labour. The time obtained by it is not grudged by the employers nor abused by the employed. And whilst England, whose wealth is in her commerce, may rejoice that she had the courage to seemingly put fetters on that commerce when the physical health of her people was endangered, she may rejoice also that in doing so she brought to life that other principle of national greatness, without which the former would be comparatively nothing worth—viz., the means of extending the intellectual and of promoting the social happiness of so many of her sons and daughters; and they, too, who, amidst many trials, difficulties, and prejudices, promoted that law at great expense and with many personal sacrifices, and carried it to a successful issue, may rejoice in the good which it has effected. Their names are everywhere cherished with the most grateful recollections, and their memories will be imperishable.

On the Relation between Density of Population and Mortality from Consumption. By JAMES T. HAMMACK, F.S.S., *Assistant-Superintendent of Statistics, Registrar-General's Office, London.*

IN the summer of last year, when public attention was much occupied with the remarkable and important facts elicited by the Royal Commission for inquiring into the Sanitary Condition of the British army, certain views were advanced by Mr. Neison, who is well known as an experienced actuary and statist, in direct opposition to those of the commissioners. It will be remembered that the enormous mortality from consumption in the army was mainly attributed by the commissioners to over-crowding in ill-conditioned barracks. Mr. Neison denied the accuracy of this 'hypothesis,' as he termed it, and having asserted that density of population is powerful only in developing zymotic diseases, he argued that, because the deaths from phthisis do not increase with over-crowding in the same ratio as diseases of the zymotic class, the conclusion of the commissioners must necessarily be erroneous, and that the recommendations made by them for the improvement of barracks, 'would not, if carried out, produce the expected effect of reducing the ratio of deaths from diseases of the respiratory organs among our soldiers, to the normal conditions of the country generally.'* Believing that the value of these opinions

* Paper by Mr. Neison, 'On Phthisis in the Army,' read before the British Association at Leeds, 1858.

might be tested to some extent by a reference to facts presented by the returns of the Registrar-General, I was led to inquire whether any relation could be traced between density of population and mortality from consumption; and as the question is one affecting the well-being and the life of the soldier, as well as involving the expenditure of large sums of public money, I venture to lay before this department the principal results of the investigation.

In the present state of sanitary and statistical knowledge, it need hardly be pointed out that town populations yield a higher ratio of mortality than thinly-peopled districts. But although this is regarded as a general law in vital statistics, it is not the inevitable result of the aggregation of mankind in towns; and the sanitary reformer may reasonably hope that it will in time be far from universally applicable. Even diseases of the zymotic class, which have had their strongholds amongst concentrated masses of people, may, by proper measures, be prevented from getting a footing, for they may be subdued as soon as they appear by watchfulness and medical skill, or mitigated, as in the case of small-pox, by new physical revelations. True it is that diseases of this class have hitherto more conspicuously followed the order of density of population in their development than other maladies, but the assertion that the deaths from consumption are little affected by external circumstances of the kind referred to will, I think, be found to be erroneous; and the facts about to be adduced will show that density of population, so far from being an unimportant element with regard to the mortality from consumption, is, in fact, a very potent agent in producing that fearful and destructive malady.

It is proper to observe, however, that density of population does not of necessity imply over-crowding, although the latter may commonly be inferred wherever the degree of density is considerable. Over-crowding is of two kinds—(1) on the superficial area, and (2) in cubic space; and either kind may exist independently of the other. In the country, where there is no surface over-crowding, a labourer's cottage may be so crowded by its inmates that disease may break out; while, as in the case of model lodging-houses and many well-ordered public institutions, it is quite possible, by a suitable construction of buildings, to have a dense surface population living healthily, because occupying a large cubical space. The distinction is highly important, but statistical data for estimating the separate effect of each kind of over-crowding are unfortunately wanting, We must therefore be content to be guided in the formation of general conclusions by such materials as exist.

The reports of the Registrar-General—the store-houses, as it were, of tabular information regarding the fatality of disease—furnish facts upon facts in evidence of the tendency of the deaths from phthisis to increase with the increased density of the population. The mortality from lung diseases in three groups of London districts of varying density, was as follows :—*

* Registrar-General's Second Annual Report, p. 84.

Groups of 10 districts each.	Density.	Annual rate of mortality per 100,000 living.	
	Square yards to each person.	From phthisis.	Other diseases of the respiratory organs.
No. 1	180	375	659
„ 2	119	405	771
„ 3	35	485	914

Thus in the districts with the least density the deaths from consumption were 375, and in those of most density 485, to 100,000 living; while other lung diseases caused 914 deaths in the densest, against 659 in the least dense districts, out of the same numbers living—the deaths out of the living, not the proportion they bear to the mortality from all causes, being the true index to the fatality of particular diseases.

It was further shown that in the metropolis, with a density of 26,900 persons to a square mile, and a population of 1,885,000, the deaths from consumption and other diseases of the respiratory organs were 14,288; while in the counties of Cornwall, Devon, Somerset, and Wilts, with a density of 219 persons per square mile, and a population of 1,743,000, the deaths from the same diseases were 8664.*

In the Registrar-General's third report the mortality from different diseases in London and twenty-four other city districts, with an aggregate population of 3,769,000, was contrasted with the mortality from the same diseases in counties containing a population of 3,559,000, chiefly engaged in agriculture. 'The tendency to consumption,' Dr. Farr remarks, 'was increased 24 per cent., to typhus 55 per cent., in the town districts; but as the absolute mortality from consumption is three times as great as from typhus in towns, and nearly four times as great in the country, the excess of deaths from consumption caused by the insalubrity of towns is greater than the excess of deaths by typhus—a fact which has been hitherto overlooked.' The deaths from phthisis were 437 in the towns, and 351 in the country districts, to 100,000 living.†

Again, in the report for the year 1841, the comparison between town and country districts‡ was resumed, and the causes of the high mortality in towns were discussed. It was shown that the death-rate

* Registrar-General's Second Annual Report, p. 158. It is well known that an excessive mortality from phthisis prevails among the miners of Cornwall, one of the five counties selected for the comparison.

† Registrar-General's Third Annual Report, pp. 99, 100.

‡ The terms 'town' and 'country,' must be understood to designate prevailing and not exclusive characters, as the town districts include suburbs and open spaces, and the country districts include all the smaller provincial towns.

from consumption and other diseases of the respiratory organs was 782 in the towns, and 522 in the country districts, to 100,000 living.*

The subsequent reports of the Registrar-General afford ample materials for establishing the close relation which exists between density of population and mortality from pulmonary disease. It would be tedious, however, to reproduce the figures from those reports in confirmation of the results already stated. I would invite your attention, however, to a comparison of the deaths from phthisis and other diseases of the respiratory system in the healthiest parts of England, with those in London, Lancashire, and the country generally; and the influence of density of population on these diseases at different periods of age will be briefly noticed.

In default of a better standard of vitality, it is convenient to employ, for the purpose of comparison, the mortality in the districts in which the sanitary conditions appear to be the least unfavourable. The Registrar-General has found in sixty-three districts, containing about a million of population, the annual mortality ranging, on an average of ten years, from 15 to 17 in 1000; in these healthy but not model districts the inhabitants are scattered, and generally follow agricultural pursuits, but many sources of insalubrity exist in and about their dwellings. The density of population is 135 persons to a square mile, and the 'proximity,' or nearness of person to person, is on an average 163 yards.

	Population.	Density.	Deaths in the 5 years 1849-53 from		Annual Mortality to 100,000 living from	
	1851. (Estimated to middle of the year.)	Persons to a Square Mile.	Phthisis.	Other diseases of the Respiratory Organs.	Phthisis.	Other diseases of the Respiratory Organs.
In Healthy districts .	996,773	135	11,792	8,340	237	167
,, London	2,373,799	19,470	33,999	44,711	286	377
,, Lancashire . . .	2,077,672	1,008	35,275	37,819	340	364
,, England and Wales	17,982,849	308	251,595	240,964	280	268

In the metropolis, owing to special circumstances which will presently be adverted to, the deaths from phthisis are greatly reduced; yet we find that 286 persons in 100,000 died annually as compared with 237 in the healthy districts; while from other diseases of the respiratory organs the London rate of mortality was more than double that of the healthy districts. In Lancashire, where the aggregation of the inhabitants upon the surface of the soil is much denser than in any other county, Middlesex excepted, and where, if anywhere, the influence of density of population upon these diseases must be felt, the deaths from phthisis were 340, and from other pectoral diseases

* Registrar-General's Fifth Annual Report, p. 406.

364 per 100,000, a mortality in excess of that of the healthy districts by 43 and 118 per cent. respectively. In the whole of England the deaths from phthisis were 18 per cent., and from other lung diseases 60 per cent., in excess of the healthy districts.

Consumption is fatal to persons at all ages, from infancy to advanced life, but it is especially fatal at the soldiers' ages, between 15 and 35, when developed by the influences likely to call scrofulous diseases into action. The following table will show the comparative mortality at these ages, divided into three periods of ten years, in the localities under consideration.

	Density of population. Persons to a square mile.	Proximity or nearness of person to person.	Average Annual Mortality, 1849—53 to 100,000 living.					
			Phthisis.			Other Diseases of Respiratory Organs.		
			15—25	25—35	35—45	15—25	25—35	35—45
		Yards.						
Healthy Districts .	135	163	336	398	330	34	45	67
London	19,470	14	264	395	493	45	69	148
Lancashire . . .	1,008	60	419	475	484	46	86	195
England & Wales	308	108	362	438	407	38	61	113

It will be seen that at the three periods of age, the excess of mortality in Lancashire was 25 per cent. at the first period, 19 per cent. at the second, and 47 at the third; and that the excess of deaths from other lung diseases in Lancashire was 35 per cent. in the first decennial period of age, 91 per cent. in the second, and 191 per cent. in the third.

The results for London are exceptional, but they are precisely such as might be expected. At the earlier periods of age, fifteen to thirty-five, the death-rate from phthisis was actually below that of the healthy districts—in the first period, between fifteen and twenty-five, in a very marked degree. The explanation of this fact is to be found in circumstances peculiar to the metropolis, where less than half the adult population consists of natives, the remainder being immigrants. The resolution to leave their homes in the country 'to go to London' for the purpose of seeking employment is rarely taken by the sickly. At the census of 1851 there were not far short of 220,000 domestic servants of both sexes in London; with this class good health is an essential qualification. The population is therefore recruited from a select class of persons usually in the enjoyment of robust health, and not likely, for a time at least, to augment the mortality from pulmonary disease. Another circumstance, which undoubtedly contributes to diminish the deaths from consumption at the earlier ages, is the removal of young and unmarried persons, when they become afflicted with tubercular disease, to their homes in the country, where they die.

At the more advanced ages—from thirty-five to forty-five—when the immigrants, having become settled as London residents, succumb under the influences which develope consumption, the table exhibits a widely different result; for the deaths in the metropolis are raised to 493 per 100,000 living, as compared with 330 in the healthy districts.

Looking at these facts, and they might have been greatly multiplied, I think there is no avoiding the conclusion that density of population exercises a powerful influence in producing a high tubercular mortality. No doubt overcrowding in dwellings and of dwellings is only one cause of many which contribute to this result; but the fact that it is a cause cannot be too frequently brought under notice, or too urgently pressed upon the attention of those who may help to remedy an evil, which is not only a fertile source of disease, but also of indecency and crime.

I cannot subscribe to Mr. Neison's theory that, because increased density of population exhibits statistically a more moderate increase of mortality from pulmonary diseases than from diseases of the zymotic class, that therefore an excessive mortality from the former class of diseases cannot be due to overcrowding. My object has been simply to investigate the relation which exists between populousness and one important class of diseases, without extending the inquiry to the whole range of human maladies.

It may be said, and with considerable truth, that much of the excessive mortality from consumption in towns is attributable to the influence of occupations. But is it not true that, except in the trades which induce pectoral complaints by the direct application of local irritants to the lungs, the insalubrity of the occupation arises from the vitiated atmosphere breathed by large numbers of persons in crowded and ill-ventilated workrooms—one of the worst forms of overcrowding? In the army, however, the enormous mortality from phthisis was not traced to occupation; but deficient cubic space and defective ventilation went hand-in-hand in barracks, and the results are known to the world.

Consumption must not be looked upon as a disease peculiar to our climate, and therefore not admitting of mitigation or prevention, but as a disease often clearly traceable to the impure air of closely-packed dwellings, crowded shops, workrooms, and factories. As most of the predisposing causes of fever are also those of pulmonary disease, every effort we make to banish the one will help to rid us of the other. Let the towns be rendered healthy by a careful attention to the known means of preserving public health; let landlords and public companies erect improved dwellings for the working classes; let employers, if influenced only by enlightened selfishness, see that their workpeople are not crowded together in ill-conditioned workrooms and factories; let parks and play-grounds be provided; let outdoor games and athletic exercises be encouraged; let barracks, workhouses, and other public institutions be constructed, and regulated in such a manner as to ensure ample cubic space for every inmate; and it is

not too much to say that the results of these beneficent arrangements would be the saving of probably a third part of the lives now sacrificed to this terrible class of diseases, which numbers about 100,000 victims in England every year.

On the Mortality in Mews. *By* THOMAS HILLIER, M.D., *London, Medical Officer of Health.*

I HAVE thought that it would be interesting to analyse the rate of mortality amongst persons living over stables in a large town.

Having for three years had access to the registers of deaths in St. Pancras (a district containing nearly 200,000 inhabitants) I have extracted from them the deaths which have occurred in the mews of the district. There are altogether 53 mews-yards, and in them a population of about 1600. This estimate of the population has been obtained chiefly from a house to house visitation made under my direction by the sanitary inspectors.

The majority of persons living in mews have their rooms situated over stables, some of which are cleanly, well-drained, and well-ventilated; others (and these probably are the majority) are filthy, badly drained, and without means of ventilation. The dwelling-rooms are in nearly every case above the stables, communicate very freely with them, and receive from them their main supply of air. In some of them the privy accommodation is very defective; sometimes there are open cesspools within the walls of the dwelling, and frequently untrapped closets not supplied with water. In other cases there is no privy accommodation, the manure heap outside the door, or the open yard being used for the purpose. The water supply is in some good; in others it is derived from a tank which is liable to contamination from the washings of the stable; in others there is no water supply at all.

During the three years 1856, 1857, and 1858, the number of deaths in the mews of St. Pancras, containing a population of 1600 persons, was 127, or 42 a year, being an average death-rate of 26·45 per 1000. The death-rate from the undernamed diseases in the mews of St. Pancras and the entire district was:—

	The Mews.	Whole Parish.
Pulmonary affections	8·10	6·81
Measles	0·83	0·70
Scarlatina	1·66	1·05
Hooping-cough	2·50	0·87
Alvine flux (including diarrhœa, dysentery, and cholera)	1·25	1·79
Typhus	1·25	1·74
Nervous diseases of infancy*	2·50	1·29
From all causes	26·45	21·4
Under the age of five	13·9	9·2

* Including teething, hydrocephalus, and convulsions.

The numbers with which I have dealt are of course so small as very much to diminish the value of the observations. They may, however, form a starting-point for some others. One or two results appear very satisfactorily established. First, that there has been for three years a mortality in the mews of St. Pancras nearly 25 per cent. higher than that of the whole parish. Secondly, that there has been a very high mortality from the chief zymotic diseases, and especially high from hooping-cough. Thirdly, that there has also been a high mortality from pulmonary complaints, and from nervous diseases of children.

It is clearly a very improper thing that human beings should live in such situations as to be obliged to breathe day and night the air which is rising from horses, cows, and other animals, and which is polluted by the decomposition of their excreta. If dwelling-rooms over stables be allowed at all, the stable should be thoroughly well-drained and ventilated. The communication between the dwelling-room and the stable should be completely cut off, and the dwellings themselves should be provided with the means of very thorough ventilation. At present the great majority of those in St. Pancras have no back windows, or skylights, so that the only openings into the dwelling-rooms are the front window and the staircase from the stable.*

The steps leading up to the dwellings should be walled off from the stables, and approached by double doors, or placed completely on the outside. In the stables and the yards disinfectants should be freely used on the manure and in the sinks. I believe that McDougell's powder is most valuable for this purpose, arresting decomposition, and thus destroying the animal effluvia, and enhancing the value of the manure. In the last-named property, which both theory and experience prove it to possess, it appears to surpass nearly all other disinfectants, most of which act so as to diminish the value of the manure.

I need hardly say that the mews themselves ought to be well paved and drained, so that water and other liquids run off rapidly, and that the manure should be removed daily, and not stowed away for ten days or a fortnight to rot.

If these improvements were generally enforced, I have no doubt that the mortality of the dwellers in mews would be reduced by at least a fourth.

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* This defect has arisen in a great measure, I expect, from the desire to prevent the inhabitants of the mews overlooking the gardens and private houses behind which they are situated. Windows might, however, be so constructed as to allow ventilation, and yet not admit of persons looking on to the adjoining premises.

On the Influence of the Thames upon the Public Health during the Hot Weather of 1858 *and* 1859. *By* WILLIAM M. ORD, *M.B., London.*

SEEING how much the condition of the Thames during the past and the preceding summer has attracted public attention, I may be pardoned for bringing before your notice even a few facts concerning its influence upon the public health.

Led, almost accidentally, in the July of 1858 to make some investigations as to the health, for the time being, of persons employed on and about the river, I have followed them up in the July of 1859, and am thus provided with materials for comparison.

In July, 1858, when the river was at its very worst, my attention was directed to the subject by the observation of a distinct train of symptoms affecting certain captains and others employed on the river steamboats, who happened to come under my care.

The first symptoms were languor and depression, followed by nausea and headache, particularly severe in the region of the forehead and temples, by aching of the eyeballs, and by a red and swollen state of the throat (erythema). To these were often added giddiness, temporary loss or impairment of sight, the presence of black spots before the eyes, and even utter mental confusion.

None of these men suffered from diarrhœa.

All were more or less relieved by purgative medicines, whose action was moderate and always under control.

This last circumstance is mentioned on account of the great care usually found necessary in the administration of such medicines during the summer and autumn.

From these men the inquiries were extended to others working on the steamboats, to the watermen plying at the different piers, to lightermen, and to dock labourers—nearly 200 men being personally examined.

The same symptoms were found to be very generally prevalent. Here and there a stout young fellow would boast himself free from all discomfort; but, with the exception of five or six such instances, all who were questioned described themselves as suffering from some form or modification of the symptoms above detailed, headache and loss of appetite being almost universal.

Diarrhœa was rare. I could hear of no one being laid up with it; but found that, in certain cases, its occurrence had removed the other class of symptoms, just as artificial purging had relieved those first treated.

A sickness of a kind unknown before to the subjects of it, contemporary with the offensive condition of the river, appearing and disappearing with it, and affecting those only whom chance or their regular occupations exposed to the foul vapours, may with reason be attributed to the action of these vapours.

In the present year the state of the river was at no time equally offensive.

Causes, both natural and artificial, combined to produce this amelioration.

Less continuous heat of weather, repeated rain-storms, and particular conditions of the tide at the time of these storms, as well as the daily addition of lime to the waters of the chief sewers at their outlets, may be cited.

On the renewal of the inquiries, rendered now more complete and extensive by the experience of last year, and the kind assistance of the Secretary to the Thames Conservancy Board, scarcely a trace of the well-marked symptoms of the preceding year was revealed.

Men who had in the year before suffered characteristically, now declared themselves to be feeling quite well, even the appetite remaining unimpaired. A few complained of diarrhœa, though not of sufficient severity to lay up a single man among 200 watermen in the first week of August.

Watermen are specially mentioned, because the existence of organized societies, called 'turn-away clubs,' at the more important piers, affords a tolerably sound basis of observation. But whether watermen, steamboatmen, or lightermen were the witnesses, the testimony was always to the same effect, with the only exception that a few who had gone on to the river early in the morning upon empty stomachs had been attacked with retching and headache.

By the kindness of Dr. M'William, Medical Inspector Her Majesty's Customs, I am enabled to add some statistical information with regard to the health of the men employed by the Custom House in July, 1858-9.

The total number employed in the waterside and waterguard departments is about 1500. Of these nineteen came under treatment for diarrhœa in the July of 1858, and Dr. M'William noticed several others as suffering from the nervous symptoms already mentioned. In July, 1859, thirty-one were treated for diarrhœa, while no complaints of the other class of symptoms were heard.

Comparing the two years, the conclusions with regard to those employed on and about the river are—

That in 1858 certain symptoms of a poisoning of the nervous system were present; diarrhœa was comparatively absent, or intercurrent, and curative of the preceding symptoms.

That in 1859 the nervous symptoms were nowhere observed; diarrhœa was more prevalent, but not in a severe form; little illness attributable to the influence of the river existed.

In July, 1859, the weekly deaths from diarrhœa had run up to very high numbers, reaching in one week to 412, a larger figure than had been noted in any week before, even during the prevalence of cholera. An increase of cases from 19 to 31 is, therefore, rather remarkable for its smallness than indicative of any greater activity of the river poison. At the same time it must be borne in mind that an enormous proportion of the 412 deaths occurred among

children, whilst those under our observation are men mostly in their prime.

Hitherto my remarks have related only to those employed on and about the river. With regard to the influence of its emanations upon the health of the metropolis generally, I scarcely venture to form an opinion.

But certainly in the comparison of the two years, it is evident that the greater amount of weekly mortality in the metropolis has not coincided with the greater development of the stench, our most ready measure of the foulness of the stream.

One is necessarily tempted to make some endeavour toward the discovery of the causes which have led to these conflicting results.

Looking at the symptoms belonging to 1858, we find among them all those which are known by chemists to be produced by an atmosphere containing a certain (differently stated) proportion of sulphuretted hydrogen, while in the absence of diarrhœa we see evidence of the absence of those subtle organic ferments which are usually supposed to induce it.

Both in 1858 and 1859 sulphuretted hydrogen was, without doubt, present in considerable quantity in the river gases. But in the latter year the stench was much feebler, indicating still the presence of the gas, but not in proportion sufficient to produce the symptoms.

The origin of this condition may be looked for in the mutual decomposition of the sulphates known to be present in the upward flowing water, and the organic matter of the sewage meeting it. According to the temperature of the water, the impregnation of the atmosphere with the gas would be greater or less.

Lastly, if we find on the one hand that the emanations of a river in so foul a state do not actually originate disease—I do not say how far they may intensify the disease already epidemic—and, on the other hand, that percolation from cesspools either into the soil or into wells and springs is proved by great masses of evidence to be highly injurious, it seems to me that even this stage in the process of purifying London must be accepted as an improvement upon its previous condition.

The putrefactive matter, instead of abiding in a thousand places as a focus of disease, is brought into one large aggregate, where it may be more readily submitted to disinfecting processes, and where it finds in the water of the receiving stream elements which, if they do not render it less offensive to the senses, appear at least to disarm it of much of its destructive influence.

THE IMPROVEMENT OF THE PUBLIC HEALTH.

On Certain Deficiencies in our Public Records of Mortality and Sickness, with Suggestions for an Improved and Extended National System of Registration. By H. W. Rumsey, F.R.C.S.

ALL who are interested in the cause and progress of sanitary science are aware of the invaluable aid it has received from the publications of the Registrar-General. They are, in fact, our first text-books in the study of hygeiology—the very accidence of our grammar. And it is no depreciation of the acknowledged merits of the chief of that department to add that the scientific value of his reports is mainly due to the celebrated medical statist who was fortunately selected by the Government to aid him, and who, from the date of the first Registration enactment, has ceaselessly endeavoured to animate the movements and correct the aberrations of its vast machinery, curiously developing, from the mist of atomic facts contributed by the local Registrars, the grand, though hitherto shadowy outlines of the form of our national Hygeia—a vision which inspires her votaries with earnest resolves to trace more clearly her true proportions.

It is not, therefore, from indifference or insensibility to the magnitude of what has been achieved that I now proceed to insist upon the importance of much that yet remains to be accomplished; and as no eulogy of mine is needed by those who direct the present arrangements, so I trust no apology will be expected from me, if I attempt to show the utter inadequacy of existing means to the requirements of an advancing science, and to the due application of its benefits to the people.

The more important defects of our registration system may be thus briefly described :—

I. The imperfect and often erroneous certification of the causes of death, especially in crowded districts,* and the absence of any sufficient provision for verifying and correcting reported facts, so that conclusions founded on these returns are often worse than useless.

II. The frequent omission to register births, 'owing to a defect in the Registration Act,'† and the non-registration of still-births, so that it is impossible either to calculate correctly the natural increase of population, or to ascertain the number and the causes of the deaths of new-born infants.

III. The want of correct and accessible information respecting the diseases recorded by the medical officers of unions and other public

* See information supplied by provincial Officers of Health. (Essays on State Medicine, pp. 102-3-4, 350.) See also Mr. Alfred Aspland's paper 'On Certain Fallacies in our National Mortuary Returns.' (Transactions of Manchester Statistical Society.)

† See 20th Annual Report of Registrar-General, p. 1.

institutions, with especial reference to their causes, consequences, and periodical prevalence.

IV. The want of an organized system for the compilation and publication of such facts in every district.

V. The want of correspondence between the boundaries of Registration districts or sub-districts, and the boundaries of districts constituted for municipal government or sanitary management, so that local investigators are generally compelled to set aside the Registrar-General's returns, and to collect and re-arrange the materials, at a vast expenditure of time and labour, for the purposes of sanitary inquiry.*

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* The following instances are a few only of those which might be given :—

1. In my Report on the Mortality of Gloucester, in 1848, I had no means of ascertaining the comparative mortality of the strictly urban parishes, the sub-urban parishes (partly within and partly without the municipal boundary), and the rural parishes, but by making an entirely new abstract of the entries in the local registers. Mr. Alfred Price and Dr. Buchanan Washbourne have since effected a far more minute examination and laborious compilation of facts for seven years; the Registrar-General's return being useless for the objects of their investigation.

2. Dr. Alfred Carpenter, in his interesting History of Sanitary Progress in Croydon, was obliged to take his facts from mortality tables published by Mr. Westall, 'as the district of Croydon in the Registrar-General's return includes many other parishes, besides taking no account of the great increase of population in the town itself: so that on this account there is no real correspondence between Mr. Westall's return and the Registrar-General's.'—(p. 14.)

3. Mr. Michael, the zealous sanitary reformer of Swansea, says:—'The present areas of registration are absurd. It is a work of the greatest labour to eliminate from the returns the rate of mortality of any given town or borough. For example, Swansea is in the domains of three registrars, each of whom registers deaths partly within and partly external to the borough. No one could therefore know what the actual rate of sickness and death was at any time but by carefully examining every entry, and this is not permitted. As a special act of grace, I was permitted to do so when an officer of health for Swansea, but since that time have been unable to procure the privilege (?); and, although chairman of the sanitary committee, it is only because I am a medical practitioner that I know anything of the sanitary condition of the town. * * * * I may give you another illustration of the fallacy of drawing any statistical deductions as to districts from the reports of the Registrar-General. Dr. Gairdner has lately asked me to account for discrepancies in the apparent mortality of Swansea and Merthyr. The return for Swansea includes a population of 7000 in Llangafelach, four miles from the town, and far beyond the borough boundary. The return for Merthyr includes Aberdare and Gellygaer, from four to seven miles off, and separated from the town by a high mountain ridge.'

4. Dr. Headlam Greenhow's accurate reference to the death-rate (1841-50) of the registration district of Liverpool (see 'Papers relating to the Sanitary State of the People,' &c, 1858) has exposed him to some severe criticisms on the part of the officers of the Corporation of Liverpool, who allege, with reason, that the mortality of Liverpool as a whole ought not to be inferred from the returns of only one registration district to the exclusion of more healthy portions of the borough contained in other registration districts, and inhabited by one-third of the borough population.

The omission, for it can scarcely be called an error, is clearly attributable not to Dr. Greenhow but to the 'mal-arrangement of the registration districts,' as Mr. McGowen himself calls it.

5. In my notes on density of population in relation to mortality (see appendix A to 'Sanitary Legislation,' &c., 1858), numerous other instances are mentioned in which the inclusion of places having the character of towns with rural parishes or waste lands in the same registration districts renders the tables contained in the 16th Annual Report of the Registrar-General (pp. 142—153) perfectly useless as evidence either of the crowding or of the death-rates of those places.

VI. The general nonconformity of the boundaries of Registration districts and sub-districts with the natural characteristics and limits of the locality.*

VII. The entire neglect of many observations, social and scientific, which are absolutely essential to safe conclusions in matters of public health, and which can only be efficiently reported under a national system of Registration.†

There are, moreover, some specific anomalies and errors in the present system that serve to indicate the direction in which a reform in our vital and sanitary statistics should proceed.

(*a*) Among the 624 Superintendent Registrars in England and Wales, there are probably not ten‡ who are known as scientific men or who superintend the Registration with a view to the advancement of sanitary science.§

(*b*) The office of Superintendent Registrar of Births and Deaths is essentially distinct from that of Superintendent Registrar of Marriages; and the combination of these functions (by the 'Act for Marriages' of 1836) has led to a mistaken estimate of the objects of the former office as well as of the personal qualifications requisite for its proper execution. For the duty of superintending the performance and registration of marriages seems naturally to belong to members of the legal profession and others who, as clerks of unions, now generally hold the appointment. But the supervision and correction of local records of mortality and reproduction would fall no less naturally to persons medically educated, and in scientific hands might conduce materially to the improvement of the public health.

(*c*) There is no legal or authorized co-operation between those officers (of either grade) who are charged with the registration of deaths and those who record cases of sickness and accident in unions,

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* Many instances of this perplexing contrariety might be cited. One may here suffice. The Forest of Dean is an extensive district, of remarkable geological formation, bounded on two of its three sides by important rivers, and inhabited by a distinct class (I might almost say race) of people, living for centuries past under peculiar laws and local customs, and now largely employed in mining and metallic works. One might expect that the published statistics of mortality and reproduction in the Dean Forest would throw some light on the physical and sanitary condition of its inhabitants. But the census and registration returns give no precise information on the subject; for not only do those districts (unions) which contain most of the Forest parishes, include other parishes, outlying and different in kind, but no fewer than twelve of the real Forest parishes, with a total population of more than 20,000, are included in unions belonging to the adjacent 'Registration counties' of Hereford and Monmouth. Nor do the Forest portions of these unions constitute separate sub-districts, so as to admit of being again grouped together for statistical returns. To determine, therefore, the longevity, mortality, and sanitary state of this singular people would require a new territorial distribution of the population and a new compilation of primary facts.

† These questions are discussed at some length in the third of the writer's 'Essays on State Medicine,' 1856.

‡ Only four were 'medical' in 1853.

§ Mr. May, of Macclesfield, a Superintendent Registrar, in an able paper read at the Birmingham meeting of the Association, showed how beneficially his important office might be directed to the promotion of sanitary measures.—*Transactions*, 1857, p. 403.

hospitals, and public institutions. The certified 'cause of death' returned to the Registrar-General is very often a different disease from that recorded for the same case in the books of medical charities or poor-law medical officers. Even with a steadily diminishing proportion of uncertified deaths, the certificates themselves too often show carelessness in record, if not errors in diagnosis.* Superintendent Registrars have no power to revise the medical certificates, or to promote a more correct nomenclature of diseases, or to correct the blunders of ignorant non-medical registrars; nor are they technically qualified to exercise such powers, great as is the necessity for some methodical revision of the Registers by an instructed local officer.

(*d*) There are literally no published records of the cases of sickness attended at the cost of the community. The sanitary state of the people is, therefore, inferred solely from the number of deaths—that is, from one only of the results of sickness—no public account being taken of the number and duration of the attacks which shorten the effective lifetime of the population.

Facts are accumulating to prove that the mere number of deaths occurring in any locality bears no constant or even approximate ratio to the real amount of unhealthiness existing there. As a necessary result of improvements in domestic management and medical treatment, and owing to the removal or absence of those more virulent agents of destruction which, by sharp and decisive strokes, prematurely sever the thread of life, its duration has been lengthened in our great cities; but, at the same time, the sickly and infirm period of existence has been prolonged probably in a greater degree than even life itself. Chronic diseases, or at least functional disorders, have increased. Vital force is lowered. Man's work is arrested; his duties are unperformed; his objects fail; though he still lives. Weakly, diseased children are now mercifully helped, as they never were in olden time, to grow up into weakly, ailing adults, who, in their turn, propagate with abnormal fecundity an unsound progeny. Is this true sanitary progress? Does it deserve the ostentatious parade of a decreasing death-rate?

Lastly, personal antecedents and remote causes of deaths now generally escape notice. The deaths of those who merely enter a district to die there belong rightfully to another locality; and vast numbers succumb in our large towns, in seaports, in public establishments, hospitals, asylums, workhouses, and prisons, whose diseases were not acquired in the places where they died, and who can scarely be said to have lived there. The mere death-rate, therefore, without the life-rate of the inhabitants, may and does lead to most fallacious conclusions as to local unhealthiness.

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* Ample excuse will be made for the scientific imperfections of the certificates by those who practically know the irregularity with which these certificates are procured, and who recollect that the statement of fatal causes is entirely a voluntary service rendered gratuitously by many thousands of practitioners for the public benefit.

Moreover, when the ages of a population are examined, the crude and hasty deductions from a general death-rate are often reversed.

Such are some of the more striking deficiencies in the sanitary statistics of this country. It would be easy to show how they affect, and are affected by, certain acknowledged errors and defects in our various public medical provisions for the sick poor. But this and other questions of local administration are too wide for discussion in this paper. For the present, I am content to urge that the true and safe course of the sanitary reformer lies in the path of sanitary inquiry—a path on which we have only just entered, and in which our steps are still hesitating and uncertain.

It is therefore suggested that the Legislature should without delay engraft upon the existing arrangements for registration an improved machinery for the collection of vital and medico-sanitary statistics.

A scientific officer is required in every registration district or group of districts, out of the metropolis, to superintend the registration of births and deaths; to promote greater care and accuracy in the certification of causes of mortality;* to compile a local register of sickness from the medical returns of parochial districts, workhouses, and other rate-supported institutions, hospitals, and dispensaries, provident societies and public works; to inquire carefully into the causes of attacks and epidemic visitations; to note physical phenomena and social conditions in connexion with disease; and to aid in diffusing locally the information thus obtained.

Here I deem it advisable to enter into some details respecting the official qualifications and scientific knowledge which might be fairly required of candidates for the proposed office of Sanitary Superintendent; and in so doing I shall have briefly to notice certain functions not at present connected with the registration department, but which, nevertheless, this officer ought to be prepared to perform.

In the first place, as Hippocrates taught, he ought to be thoroughly acquainted with the natural and social peculiarities of the locality in which he is to act. He should know its climate, soil, and waters, as well as the habits, occupations, and circumstances of its people, and the general characteristics of its *fauna* and *flora*. He ought to be

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* 'They (superintending officers of health) would soon give to the registration that degree of accuracy and completeness which would fit it in a perfect manner for every use, civil and legislative, to which a perfect registration is capable of being applied.'—Dr. Southwood Smith. *Health of Towns' Commission*, First Report. 8vo, vol. i. p. 40.

'A medical registrar would be especially useful in avoiding mistakes in copying the medical certificates of death. At present many monstrous words and ridiculous errors occur from the illegibility of the certificate, which a medical registrar would be able to avoid.

'A medical superintendent registrar would be useful in detecting the errors of the non-medical registrar, when he collates the certified copy of the register with the original before it goes to London.

'Both would be useful in asking now and then for additional information or explanation from the medical practitioner who gave the certificate.'—Dr. Greenhill: quoted in *Essays on State Medicine*, note, p. 353.

competent to investigate unusual or morbid conditions of the vegetation of the district, to notice developments of peculiar forms of insect or animalcular life in air and water, to inquire into the nature and relations of such phenomena, and their influence upon the health of the higher orders of animals. He would naturally be the authorized reporter of meteorological observations for the district. The same officer should also be competent to aid in geological researches with reference to social objects: as agriculture, drainage, water supply, building, &c.*

Again, in the application of chemistry to local purposes, similar necessity exists for scientific agents in official position.

To determine the composition and qualities of soils and waters; to analyse manures and crops; to test the purity, detect the adulterations, and indicate the comparative advantages of articles used for food and drink; to ascertain the genuineness of medicines, and to reveal the presence of poisons in manufactured articles or organic structures,—all these are duties pertaining to the office of a highly qualified public analyst and histologist,† who should be responsible, on grounds of public safety, not so much to the producers, manufacturers, and retail dealers of the locality, or their representatives, as to the nation in its collective capacity.

It seems also obvious that the same officer would be the most available and trustworthy referee in those legal inquiries which are held to determine the causes of suspicious deaths and public calamities, and which so seriously concern human life, health, and liberty. An independent officer, thus highly qualified, could alone be relied on for correct reports as to the effects of various occupations and commercial processes, either on the persons employed in them, or on the surrounding population, if they are permitted in towns. He would also be an unbiassed authority for certifying the age and the fitness of children for factory labour.

Thus qualified and thus engaged, he would naturally become the scientific adviser, if not assessor, to local executive boards.‡

The regular statistical reports which I have suggested, exhibiting

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* Agricultural statistics are never likely to be satisfactorily reported, unless under some such scientific direction, which shall connect them with other objects of public utility, and divest them of their merely fiscal character.

† In places where there is no public professor of the natural sciences, an officer of this description might, when not otherwise employed, act as an instructor of the people in matters which connect science with daily life and labour. The public chemical laboratory with philosophical apparatus and mechanical or industrial models—for there should be such an institute in every populous district—might be open, under his superintendence, not only for the gratuitous instruction of the people, but for their personal security, as the public office at which adulterations in articles of daily consumption might be detected. In large and populous districts, however, these duties would doubtless be better performed by a chemical officer, who might be either the deputy of the sanitary superintendent, or his coadjutor. (See the following Paper).

‡ 'As assessors or advisers to executive boards, the services of scientific men would be highly valuable.' (Glasgow Report of British Association, Parliamentary Committee, p. 56, 1855.)

the fluctuations of vital force in man, animals, and plants, under varying material or climatic conditions, and in connexion with local customs, habits, and regulations, should be printed and circulated for municipal and popular information in every district. All this could be done without fear, favour, or prejudice, only in case the proposed Sanitary Superintendents were made independent of disturbing local influences. They should be 'emancipated from all such interference as is calculated to obstruct the zealous performance of their duties.'*

This is doubtless the chief desideratum in the sanitary management of our towns and districts.

But inasmuch as persons possessing the requisite scientific qualifications, habituated to official duties, and ready for employment, are at present but rarely to be found; and as, in any case, it is desirable to avoid sudden and sweeping changes, I propose that these appointments be gradually made, one by one, as vacancies occur in the post of Superintendent Registrar. Not fewer, I believe, than twelve of these vacancies happen yearly. Let them be filled in future by persons medically educated, whose scientific qualifications shall have been satisfactorily tested. Let these officers be responsible to Government, and be paid out of the Consolidated Fund, as the Superintendent Registrars now are. Their reports, founded on the various returns collected by them, might be sent, in the first instance, to the General Register Office—as the statistical department of Government—there to be corrected, abstracted, and compiled. The results might be forwarded to the Privy Council, as the medico-sanitary department of Government. It is of the highest importance that the power of appointing and dismissing these reporters should not be vested absolutely in local boards, which by no means represent the sanitary interests of the lowest class of rent-payers and operatives, and their families, who are the chief sufferers from removable causes of disease.

The metropolitan districts need not at present be included in any measure of this kind, for several reasons, of which only one requires mention. There are already officers of health appointed in every London district; and whether their relations with the registration officers and with the medical attendents of the sick poor are satisfactory or the reverse—whether their peculiar official position promotes or hinders the beneficial objects of their appointment—it is certain that the metropolis requires exceptional management, and that any defects in its medico-sanitary organization would require a special measure of reform. All that I ask with reference to the metropolitan system is—that it may not be extended to the country at large.

I repeat, then, that the Sanitary Superintendents of Registration, now proposed for the provincial districts, should be authorized (1) to receive the returns of sickness and mortality from the various official

* See Glasgow Report, supra cit., p. 62, 1855.

persons responsible for such returns, (2) to make special inquiries into alleged causes of disease and death, especially when unexplained or unusual in amount, and (3) to compile these returns and observations in a prescribed manner, and report them quarterly (or oftener in emergencies) to the General Register Office; the results relating to each district to be published separately, in a cheap and intelligible form, for the use of the inhabitants.

It is not proposed that the Scientific Superintendent should be at once empowered to fulfil all the duties which properly belong to a health officer; neither is it meant that the appointment of a regular Officer of Health, wherever duly resolved upon, should be deferred until a vacancy occurs in the office of Superintendent Registrar; but I call attention to the fact—that the original scheme for Officers of Health in England included supervision of the registration of births, deaths, and diseases.* And it is doubtless owing to the subsequent omission of this part of the Health Officer's functions, that these appointments have failed of their original design in so large a proportion of the few districts in which they have been made.

In proposing, therefore, to start simply with the 'Registration' department of the Health Officer's duties, I fall back upon an old principle in connexion with an existing office; and this, I submit, would be less likely to encounter opposition in the House of Commons than a more complete but distinct project for the institution of Officers of Health throughout the kingdom.

Even the minor and tentative course now suggested is impossible without an amended Registration Act. The Registrar-General, with his present powers, could not, were he so disposed, inaugurate the reform. But if Parliament could be prevailed upon to try the experiment thus cautiously and gradually—the Government and the Press watching, reporting, and improving, if necessary, the operation of the measure in the districts to which it might be applied—there is a strong probability that in a few years the growth of public intelligence on this question would lead to a demand for its general adoption; even at the cost, if unavoidable, of compensating a number of the old superintendent-registrars.

A Registration department, thus reformed and extended, would prove a powerful engine of public instruction. It would aid and lighten the duties of local boards and philanthropic workers. And it would pave the way for that more complete and efficient sanitary organization, which the country will in time call for.

Some estimate of the cost of this extension of the Registration Office may be fairly demanded of me. Now, it would be impossible to name any amount of annual charge upon the public funds which would be satisfactory to those who do not perceive the immense im-

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* See General Sanitary Report, 1842, pp. 350—356. 'Administrative Means for the Extension of Medical Science.'

See also Report on Interment in Towns, 1843. pp. 123—126.

See also Health of Towns Commissioners' First Report. 1844. 8vo. Vol. i. pp. 37—40.

portance of the objects which it is proposed thus to accomplish. The same variety of motives—the least discreditable of them arising from ignorance of the subject—which raised a parliamentary opposition almost sufficient to defeat the Public Health Bill of last session, would probably create a majority against any measure, however well contrived, for the general and immediate organization of a scientific corps.

To abate the just requirements of sanitary reform in the vain hope of mitigating the hostility of its irreconcileable opponents, or of firmly attaching its professed yet insincere allies, would be an abandonment of principle to which I cannot consent. The advantage of my plan, however, is, that it does not immediately involve any general or extensive change. If, in the case of public education, Parliament consents to a vast annual increase of the national grant, we may reasonably ask for a much smaller increase in the sums voted for the closely-allied department of sanitary inquiry, instruction, and inspection.

If, for instance, the moderate sum of 100,000*l.* per annum were to be ultimately applied to the stipends of the whole body of scientific Superintendent Registrars for England and Wales, exclusive of the metropolis—that is, for 587 registration districts in the ten provincial registration divisions, it would allow 170*l.* per annum on the average for each district. But two or three of these might generally be united, and the average salary of each Sanitary Superintendent would then amount to about 400*l.* Thus there would ultimately be 250 extra metropolitan Sanitary Superintendents, or 25 on the average in each Registration division.

The present Superintendent Registrars received from the Consolidated Fund, in 1857-8, 9130*l.* for births and deaths only. If an average of twelve of these appointments should become vacant annually, the increase of charge upon the Consolidated Fund, caused by the adoption of my suggestions, would at first be scarcely more than 2000*l.* per annum. The augmentation would become more rapid, as in the course of time the vacancies became more frequent, until in about thirty years (if not sooner by general consent) the organization might be complete. So that the national income would not be charged considerably until the measure had been fairly tried and public opinion tested in its favour.

But it appears to me so important to guard the independence of this official corps, that I doubt whether a post of even 400*l.* a year ought to be held by any one, however qualified, who might be professionally dependent upon his neighbourhood for the larger portion of his income, and therefore constantly tempted to make his public employment secondary and subservient to his private gains. If this objection be well founded—and there are facts enough to support it—we are forced to take into consideration certain other sanitary and medico-legal functions; the necessary remuneration for which, being paid chiefly out of local funds, might be added to the suggested Government salary, so as to place the Sanitary Superintendent in the position required for the free and impartial exercise of his office.

To these additional public functions I propose to call your attention in a following paper.

I now merely add a few words on the mode of testing the important qualifications of the proposed officers.

At present no university of the United Kingdom grants a degree in the natural sciences corresponding to those qualifications.* Nor has any examining 'Board of Science'—as recommended by the British Association—been constituted. The Legislature lately passed a measure for regulating the qualifications of practitioners in curative medicine, but the 'Medical Act' contains not a single provision relating to practitioners in preventive medicine. Yet the latter is admitted to be the higher department of the profession, as it is undoubtedly of the greater moment to the State and to the interests of the community.

The only step hitherto taken by Parliament towards the requirement of sanitary knowledge, as a condition of sanitary employment, is a clause in the Public Health Act of last session, whereby the Privy Council is empowered to issue regulations for securing a 'due qualification for vaccinators.' Yet what is this special vaccinating qualification but a fraction of that general sanitary qualification—that competent knowledge of hygeiology—which ought to be required of every public medical officer? It is, therefore, time to demand a State examination for sanitary appointments; and a Committee of Privy Council on Public Health, aided by the new 'Medical Council,' would probably be the fittest authority to determine the nature and extent of qualifications, and to appoint a Board of Examiners.

To what extent the principle of competition should be applied to these examinations would be a matter for future deliberation. In the main it is a good principle; yet there are some essential qualities, moral and intellectual, which could not well be determined by a mere competitive trial.

The foregoing suggestions may be thus practically summed up:—

I. In the event of the death, or resignation, or removal of any (extra-metropolitan) Superintendent Registrar, the duties of his office to be divided between two officers, as follows:—

Those duties which relate to notices, licences, performance and registration of marriages, to be still committed to the clerk of the union, or other person appointed by the Board of Guardians:—

The superintendence of registration of births and deaths to be committed to a sanitary officer.†

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* Since the above was written, the Senate of the University of London has confirmed certain regulations respecting degrees in science.

† The following among other alterations would be required in the Acts for Registration and Marriage, 1836-7:—

Reg. Act, § 7. Repeal provision that the clerk of guardians shall have the option of accepting office of Superintendent-Registrar of Births and Deaths.

Mar. Act, § 3. Repeal provision that the Superintendent-Registrar of Births and Deaths shall be Superintendent-Registrar of Marriages.

All provisions in the Marriage Act relating to notices, licences, performance

II. The registers of births and deaths, with the certificates of causes of deaths, to be examined and revised by this Sanitary Superintendent, who should also be empowered to collect returns of all cases of sickness and accidents attended by the union and workhouse medical officers, as well as of cases relieved by any hospitals, dispensaries, societies, and other public institutions, within his district; the persons making such returns being paid for the same at the rate of per case. The reported causes of sickness, infirmity, and mortality to be carefully inquired into by the Sanitary Superintendent, especially those connected with locality, soil, density of population, dwellings, water supply, food, occupations, habits, &c.

III. These corrected returns of births, deaths, and diseases, together with meteorological observations, and notes of local events and circumstances affecting the public health, to be reported quarterly (or oftener if necessary) to the Government; and to be published annually by the Sanitary Superintendent of each district or group of districts, in a local report, which should give a comparison of the local sickness and death-rate, with averages taken from the kingdom, from the county, and from districts under similar circumstances. These reports to be circulated among all members of local boards, magistrates, and other official persons, and to be offered to the public at a low price.

IV. The proposed Sanitary Superintendents of Registration—as statistical reporters for national purposes, independent of local and political influences—to be paid out of the Consolidated Fund; and their appointment, if made by local boards, to be subject to such regulations and conditions as might be required for the safety of large classes unrepresented by these boards, and to such tests of qualification, by examination or otherwise, as Parliament or the Privy Council might determine.

V. The Registrar-General to be empowered to combine two or more registration districts for the purposes of this measure; and also to alter the boundaries of districts and sub-districts wherever they are shown to be generally inconvenient and to need re-adjustment in harmony with local sanitary jurisdictions.

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and registration of marriages by Superintendent-Registrar, to apply only to the Superintendent-Registrar of Marriages.

Registers of births and deaths to be kept separately from those of marriages, and under the custody of the proposed Sanitary Superintendents.

On Certain Departments of Medico-Sanitary Police and Medico-Legal Inquiry, in connexion with the Scientific Superintendence of Mortuary Registration. By H.W. RUMSEY, F.R.C.S.

IN concluding my suggestions on the improvement of the statistics of births, deaths, and sickness, I said that there were certain other functions of sanitary inspection and of medico-legal inquiry which might be most advantageously entrusted to the proposed scientific superintendents of registration.

Considerations of administrative economy, no less than the intimate mutual relations subsisting between these several offices, render it of great importance that they should be treated as parts of one project.

I. The first of these departmental functions, therefore, to which I would direct your attention, is the Inspection of Vaccinations.

No one who is thoroughly informed on this question would venture to assert that the present law and practice of public vaccination in England are satisfactory and efficient, and that no further legislative interference is required.

Mr. Simon's Letter to the President of the late General Board of Health on this subject—an exhaustive and most valuable document, —contains statements founded mainly on Mr. Marson's original observations, which leave no room for doubt that the imperfection of the safeguard afforded to the English people by vaccination is attributable more to the faultiness and inefficiency of the vaccination itself, than to the omission of its performance. Mr. Marson has proved that the intensity, if not the amount, of post-vaccinal small-pox (*i.e.* the danger of the disease among the vaccinated), is greater exactly in proportion to the badness of the vaccination. The best performances of this operation show a rate of mortality from subsequent small-pox only one-thirtieth of that which results from the worst; and (I believe from the same cause) there is an enormous and increasing prevalence of modified small-pox, not ending fatally, yet perpetuating the horrid disease by contagion.

Before, therefore, we can reasonably call upon the Legislature for more stringent compulsory enactments, we should demand security for better vaccination, *i.e.*, for greater care that the lymph to be transmitted shall be taken only from perfect cases, for greater attention to the health of the subjects, for greater accuracy in the operation itself, for more critical observation of its result, and for more caution in certifying the production of the true Jennerian vesicle.*

We may, I believe, rest satisfied that all which central administration can effect in this country will be effected under the able direction

* 'Millions of vaccinations have been performed with lymph not fully possessing its original endowments.' Papers on Vaccination. Mr. Simon to General Board of Health, 1857, p. 39.

of Mr. Simon, whose office, fortunately for this and other sanitary reforms, is now made permanent; but I do not hesitate to express my conviction, that, of far greater importance than direct Government interference, or than any positive instructions to vaccinators, would be the impartial inspection of the vaccinated cases by a local scientific officer.

This can be secured, in my opinion, only by separating the function of operating from that of certifying, and by committing the latter to the inspecting officer. One of the chief defects in the working of our present legalized system is the omission of certification. Private practitioners in a large number of instances not only neglect or decline to certify at all, but probably in most cases they omit to send the duplicate certificate to the Registrar. Public vaccinators must also be remiss on this point, for Mr. Griffin, in his useful 'Vaccination Statistics,' shows that out of 411,268 cases successfully vaccinated at the public charge in the year ending September, 1857, only 376,798 were recorded by the Registrars, and the latter number of course includes private cases which were not paid for by boards of guardians.*

Now, if penalties are to be enforced for neglect of vaccination, they should be imposed, not upon the non-vaccinated, but upon the non-certificated. Admission into schools, colleges, service of any kind, professional or mercantile employment, without a certificate or other proof of efficient vaccination, ought to be made a punishable act, as it is in some continental states. This, though an indirect method of compulsion, would be much safer and surer than that adopted—but not carried into effect—in England.

The public can possess no reliable guarantee for the proper execution of this protective measure until the Legislature creates a special agency for inspection and certification.

The proposed Sanitary Superintendents of Registration, or their appointed deputies, would be the proper agents. But how should they be remunerated? Mr. Griffin says that the average payment for vaccination in England and Wales is *1s.* 7¾*d.* per case, while in some unions it is *2s. 6d.* The Act specifies *1s. 6d.* for cases within two miles, and *2s. 6d.* for those beyond. Not only medical bodies, however, but official authorities, seem to be generally of opinion that the payment for all duties connected with public vaccination should be raised to *2s. 6d.* and *3s. 6d.* respectively. Assuming this increase of remuneration, I propose, first, that the present legal rates be paid to the vaccinator, who should be required simply to record the operation, and thus be relieved of all further trouble and responsibility in the case; and, secondly, that the additional shilling be paid to the

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* 'The order is felt to be so irksome that it is not complied with.' Mr. Griffin, *Lancet*, July 16, 1859. And 'this result can hardly be considered surprising when we reflect on the injustice, as well as impolicy, of arbitrarily requiring professional services without any corresponding acknowledgment. (Memorial of Epidemiological Society, 1855.)

inspector, for examining, certifying, and finally registering the results of the vaccinator's proceedings.

The parents or guardians of vaccinated children should be made responsible for their appearing before the inspector on the appointed days.* Those who avail themselves gratuitously of the national provision would be required to meet him at stations or other appointed places, and at stated times, under penalty for non-attendance, unless sufficient reason were given. Those who are vaccinated by private practitioners would have either to appear at the Inspector's office and to pay a higher fee—say *2s. 6d.*—for inspection, registry and certificate; or, if any should prefer being visited by the inspector, to remunerate him for calling upon them, according to a regulated scale of fees. In a population of from 60,000 to 70,000, which I assume to be the average for the district of a sanitary superintendent, there would probably occur, under an effective system of vaccination, from 1500 to 1800 cases, public and private, annually; and the inspector's fees would therefore amount to nearly 100*l.* This, it must be confessed, would be a very economical outlay for the most real and complete security for efficient vaccination with which the people could be provided.

II. There is another public function—noticed in my previous paper—which, in most if not in all districts, might with the greatest benefit to society be committed to the proposed Sanitary Superintendents. I mean the examination of articles of food, drink, and medicine, suspected of impurity or admixture with deleterious substances.

So prevalent are fraudulent adulterations of the necessaries of life; so extensive is the injury which they inflict (often secretly) upon the health, nourishment, and vigour of the people; so disgraceful to the commercial character of the country is their notoriety; so completely is the consumer at the mercy of the dealer or manufacturer; so utterly unable are the working classes, at all events, to protect themselves against the ingenuity of fraud,†—that any one ignorant of the obstacles to corrective legislation in this country would be at a loss to account for the hesitation of Government and Parliament in adopting decisive measures for the public safety and credit, more especially as the urgent necessity for some enactment was declared, in 1856, by a committee of the House of Commons, whose clear and

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* It has been said that inspection by another officer might interfere with our present system of eighth day visitation by the vaccinator himself, which provides for the weekly presence of a lymph supply at the station when and where it is wanted. But this objection appears to me to be merely nominal. There would be no practical inconvenience in the simultaneous visits of the vaccinator and inspector, each having a distinct duty to perform. On the contrary, the two officers would have the opportunity of rendering mutual assistance, and, in case of the unavoidable absence of either, the other would be at hand to arrange with the people for the future completion of the postponed duty.

† 'The poorer the district, the greater the amount of adulteration.'—Parliamentary Report, 1856, p. 4.

comprehensive report might well have been followed by prompt legislation.*

The real point, however, for present discussion is, whether such legislation might not, in the first place, be limited to a few effective provisions for detecting adulterations and publishing the results of analysis, with the names of offenders.

A measure of this kind need in no way interfere with the freedom of commerce, while it would afford consumers just that information which would fairly enable them to act on the well-known maxim, *caveat emptor.*

The infliction of penalties—fines and imprisonment—might be deferred for future enactment, if that be found necessary, which I doubt.

By what official machinery, then, should these falsifications of food be detected? The Parliamentary committee rightly decided against leaving examinations of this kind to Excise Officers and analysts appointed by the Board of Inland Revenue.

It seems clear also that two orders of public analysts should be instituted,—one consisting of local officers, acting in appointed districts, and competent to conduct the more ordinary examinations; the other of a few eminent specialists, acting for the whole of England and Wales, and habituated to intricate processes, who might be consulted in what are felt to be very difficult cases, as well as in appeals against local decisions.

A great majority of the inspections could doubtless be satisfactorily managed by any well-instructed analysts and microscopists. The Parliamentary Committee, however, very wisely suggested the reference of certain important and delicate cases to officers appointed by the Privy Council. But Mr. Scholefield's last Bill, as amended in Committee, is open to these grave objections:—first, it assumes, strangely and I think irrationally, that, in case any local board should determine to put the Act in force, a thoroughly competent analyst will be found, ready for office, on the spot; and, secondly, it leaves these appointments unconditionally to the local boards, not a single security being taken for testing the qualifications of the candidate, or for protecting him when appointed in the independent exercise of his most arduous duties. The analyst, even if not an ignorant or unpractised man, would hold office merely at the pleasure of the majority or of an

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* It has been sensibly remarked that the people are as much entitled to legal protection with respect to the quality of the articles they purchase, as to that legal protection which they already enjoy with respect to quantity—*e.g.* against fraud in weights and measures.

If certain politicians are right in concluding that adulteration is not a subject for legal prohibition, 'because it results from intense competition, and you may as well legislate against competition as against adulteration,' their principle ought to be extended, and other fraudulent actions, resulting from 'irresistible' personal motives, ought to be left unpunished—theft, for instance, because it results from intense acquisitiveness, and, as these politicians would say, 'you may as well legislate against acquisitiveness as against theft.' Go on in this way, and we shall soon make short work of the criminal code.

influential clique of the local board, which might contain, for aught we know, the principal adulterators of the place.*

The Birmingham measure, for these reasons, is, I fear, a delusion. If allowed to become law, it will be another obstacle to normal legislation; it will create another class of interests—official and professional interests—opposed to fair and searching inquiry; it will open a new field for municipal jobbing, and afford another plea for central dictation.

Far better in every respect would it be to make use of the simple, though effective organization proposed in this paper. The Sanitary Superintendent might himself act, in some places, as the analyst of the district; whilst, in other places, these examinations might be made by a distinct officer, specially qualified, and with similar securities for efficient and independent action.

The poor should be encouraged to apply gratuitously, at proper times and with due notice, for the examination of any purchases or supplies of food which they believe to be adulterated or unwholesome. Other persons would be entitled to similar information on payment of expenses with small fees.

Not only food of all kinds, beverages, and medicines, but also mineral products, soils, manures, and other articles of commerce would be brought for examination to the District Office of Public Health.

Local authorities—magistrates and boards—would of course be empowered to order the analysis of any public supplies—water especially. Proved adulterations and impurities should be published at the analyst's office and in the local papers.

This public officer ought certainly to receive a fixed salary. For the sake of illustrating my principle, I may say not less than 200*l.* or 250*l.* for a district of the proposed population.

III. Toxicology naturally pertains to the office of a public analyst, and leads us on by a plain connecting link to a third function of paramount importance to the public safety, which I propose to deal with in the same manner.

Dr. Farr has left us no room to question the necessity of far more accurate information than we now possess respecting the causes of sudden and violent deaths. Reliable statistics show that a very large proportion of such deaths pass the ordeal of a coroner's inquest without a record of those 'particulars' which the Registrar-General requires of coroners for the purposes of correct registration. He has also shown that these particulars of information are unattainable without medical inspection and report in aid of the legal inquiry.

Medical jurisprudence, as a special branch of practice, is scarcely

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* A first-rate microscopist of this town, to whom I expressed a wish that he were appointed histologist for the district, replied, 'I would not accept such a post so long as I depend on my profession for an income. I could not afford to incur the hostility of the food-selling inhabitants of the place.'

recognised in England; for the occasional employment of this or that eminent professor in courts of law does not amount to a national recognition of his office. The State troubles not itself to secure a high standard of education and a thorough practical training for those who, if fully qualified, might be statedly employed, with incalculable advantage to the public, in forensic inquiries. The supply of scientific evidence—chemical and pathological—in coroner's inquests and courts of assize is abandoned to chance. Any one may act as medico-legal referee for the nonce at the will, or it may be the caprice, of any lawyer practising in any court. And, as an almost inevitable result, the physical sciences are not seldom subjected to extraordinary perversions, and the medical profession to needless humiliation, by the performances of its members in the witness-box. In the absence of persons specially qualified and experienced, medical practitioners are called away from their ordinary and multifarious engagements, and too often appear in court rather as partisans of a cause than as philosophical expounders of obscure and terrible events. If human life is to retain the comparatively high value which has been so nobly set upon it in England; if every strange and suspicious death is to be submitted to a rigid and complete—and, if necessary, a costly—investigation; if the principle of popular co-operation in our inquests is to be maintained; and if, at the same time, our forensic medicine is no longer to excite the astonishment—sometimes even the ridicule—of intelligent foreigners, science must be systematically brought to bear upon the legal process.

Now, the machinery suggested in this paper is precisely calculated to meet the administrative difficulty and to supply the public want. Those subjects which would chiefly engage the attention of a sanitary superintendent of mortuary registration are hardly to be separated from the study and practice of forensic medicine. The cause and manner of every sudden death brings the preventive and the medico-legal functions into close co-operation. No theoretical distinction between medical jurisprudence and hygeiology deserves serious notice in administrative arrangements.

I may be allowed to support my views by a quotation from the same judicious authority to whom I have already referred.

'Without an examination of the organs of the body, and often without an analysis of their contents, the cause of death cannot be determined, either negatively or affirmatively. And this examination would be most satisfactorily conducted by one medical officer in each district, who would become by experience expert in manipulation and sagacious in judgment. He might undergo, before his appointment, a special examination in medical jurisprudence, and be very properly the Health Officer of the district.'*

We may therefore safely conclude, in the first place, that together with other much needed reforms in the coroner's office and court,

* Dr. Farr's letter to the Registrar-General on 'Suggested Improvements in the Coroner's Inquest.' Nineteenth Annual Report of Registrar General, 1858, p. 205.

many of which are recommended both by Dr. Farr and by the learned body of coroners themselves, an expert in medical jurisprudence and toxicology ought to be appointed in each of the districts which it is proposed to commit to a sanitary superintendent of registration; and secondly, that the same officer, if thoroughly instructed, might perform both these functions, with the others already mentioned.

There are engagements of a medico-legal nature, not relating to sudden or violent deaths, which must not be forgotten in this sketch. The medical referee might have to inquire and report on alleged personal incompetence—whether moral, mental, or physical—for the fulfilment of public or family duties, or of labour contracts, and to detect malingerers. He might have to protect extreme youth, perhaps also extreme old age, by examination and certificate, from illegal compulsion to work. He might have to inquire into the nature and extent of personal injuries, caused by mechanical violence, by unprotected machinery, by accidents in mines or in public conveyances; or resulting from brutal assaults incited by hatred, by lust, by intoxication, or by wanton savagery; many of these attacks and injuries, like ordinary cases of sickness, ending not in the death of the sufferers.

Three orders of official experts would be required under a normal system of medical jurisprudence; the first, as now suggested, for coroners' inquests and local investigations; the second, consisting of men of higher standing, for the circuits of assize, and for inquiries of a more extended scope and design; the third, a central committee of eminent toxicologists, medical jurists, and psychologists, to aid the metropolitan courts and to report on appeals from the provinces.

It will at once appear to every well-informed person, that I am recommending neither the French nor the German system of legal medicine; although there are features in both which deserve unprejudiced attention, and might perhaps be adopted, with some modifications, in this country.

As to the remuneration for the district medico-legal office. All the reasons which have been so fairly urged by the coroners, and never, I believe, refuted, for commuting the casual and precarious fees of their ancient office into a fixed stipend, apply with equal force to a stated salary for the medical referee. And for the sake of completing my hypothetical estimate of expense, I may name 150*l.* or 200*l.*, as an average annual payment for these duties, if combined with the before-mentioned functions, in a district of the proposed extent.

I have now completed my description of four sanitary offices—statistical, supervisory, analytical, medico-legal—all of them subjects of pending legislation; and I have shown that a moderate stipend for each function would raise a total salary of 850*l.* or 900*l.* for the district. This amount I consider to be the minimum which would suffice to place the office-holder in a position corresponding to his superior qualifications and weighty responsibilities, and justify his absolute restriction from private medical practice. Nearly half of the above salary would, on my plan, be paid out of the Consolidated

Fund; the remainder principally by local taxation, and the county-rate, for obvious reasons, would be a more equitable and convenient source than the parochial or district rates.

It has appeared to me unnecessary to touch upon the ordinary duties of a Health Officer; although some of them would fall, as a matter of course, to the proposed sanitary superintendent. They are well known to this audience. Some are specified in an Act of Parliament; and all that strictly belong to the office, in its present condition, are comprehensively, yet concisely, stated in the Instructional Minute of the late General Board of Health (Dec. 20, 1855), then under Mr. Cowper's presidency. I consider this to be our best summary of the purely hygienic duties of the Officer of Health; but I venture to suggest, that some two or three of the details of that 'Minute' properly appertain to the medical visitation of districts smaller than it is desirable to commit to the officer in question. For instance, regular inspection of the dwellings of the poorer classes, whether common lodging-houses, cottages, or apartments, with reports thereon to the Local Board, and sanitary advice to the poor occupiers, is or ought to be the business of the medical officers of parochial districts, and need be referred to the superintending Health Officer only in special cases, or by way of appeal. Whenever the department of medical attendance on the poor is placed upon its right footing, it will assume a sanitary and preventive character, and the officers will prove most valuable aids and deputies to the Health Officer of a larger sphere of duty. The medical-relief corps, also, would in time supply the most eligible candidates for vacancies in the appointment of sanitary superintendents.

A full programme of the details of district sanitary inspection would theoretically include certain matters not at present under legislative consideration. I pass them by purposely, as I wish to avoid everything which might startle the cautious or excite needless difference of opinion.

There is, however, one unperformed public duty which calls for notice at this time and place.

The working of the new 'Medical Act' has shown the necessity for some recognised local agency to aid and correct the registration of medical practitioners. The Medical Council is not only without power to prosecute for offences against the Medical Act, but it has no local machinery for scrutinizing and verifying the claims of applicants for registration. Organized co-operation with the metropolitan Medical Registrar is neglected in most districts. In some towns it is attempted by medical societies, self-formed for this purpose. But when these associations enter upon a course of rigorous action in defence of professional interests, they are in danger of degenerating into a sort of small courts of inquisition for the suppression of medical heresies; and in that case they would inevitably excite the jealousy of the public, and fail in the really useful object of their institution. Accuracy of record, and periodical correction of the Medical Register, will be most satisfactorily attained by entrusting

local inquiries and proceedings, under the Act and by authority of the Medical Registrar, to the official superintendents, whose various functions are the subject of this paper.

On the other hand, the duties and responsibilities of a district Officer of Health ought to be such only as obviously belong to a jurisdiction of limited extent, and might be discharged conveniently by a local authority. Wider and more comprehensive functions of observation and comparison, such as would be exercised over several counties, and involve authoritative advice and frequent communication with the Privy Council, belong more appropriately to Government inspectors; say, one for each of the ten extra-metropolitan registration divisions of England and Wales, in official relation with the Health Officers or Sanitary Superintendents. There are, moreover, some special institutions and regulations which might demand the undivided attention of itinerant inspectors for the whole kingdom. Several examples of this method of supervision, perhaps more than enough, are to be seen in operation among us. Probably, there may be too strong a tendency to create special offices, and to isolate inspecting duties, in cases where the public would be gainers by consolidating them. But I avoid entering into details upon this point. My principal object in referring to general inspection is to distinguish it from local superintendence. The latter, in my opinion, should neither be so minute as to interfere with existing arrangements for the medical care of districts, nor so extensive as to supersede, ineffectually, a higher kind of inspection.

Finally, to anticipate a probable objection to the general project of sanitary officers, advocated in these papers;—it may be said that an attempt to combine so many different employments in one office is likely to fail, owing to the great difficulty, if not impossibility, of obtaining candidates who would possess the requisite variety and extent of qualifications.

I admit that this objection would be valid and the difficulty insuperable, were it proposed at once to organize a corps of such officers for the whole country.

But my object, I repeat, is to introduce the reform gradually. In this, as in all other matters, a demand would in time create a supply; and a sufficiently numerous body of learned and skilful men would in the course of a few years be duly prepared to fill vacancies as they occur, and to undertake the extended responsibilities of the appointment.

We may, after all, grant that a thorough knowledge of physiology as regards living forms generally,—of pathology in the same wide signification,—of chemistry, organic and analytical,—of natural philosophy, geology, and meteorology,—and of statistical processes and results, would rarely co-exist in the same officer adequately with other indispensable moral and mental qualities; and therefore that wherever facilities offered, the various employments might be advantageously divided, in order to secure the more complete fulfilment of the several objects contemplated. But we shall all agree that no one form of organization can possibly ensure, universally, a perfect administration.

We must accept the nearest approach to the *beau ideal* which the intellectual and material resources of the nation can supply, and which the social peculiarities of the locality will admit. Now, to apply these axioms and postulates. In a very populous district, containing, say, more than 150,000 inhabitants within a manageable area, it might be better to divide the several occupations between two officers, entrusting to one, perhaps, the inspecting* and the statistical, to another the forensic and the analytical.

But, in the majority of districts, I believe it will be found that a general acquaintance with the natural sciences, official aptitude and experience, power to call in further technical aid or to refer any disputed point to a metropolitan board, and liberty to accept the local co-operation of persons more profoundly versed in specialties, are conditions which would render one scientific appointment more beneficial to the public than the creation in the same place of several offices, which, from the very circumstance of their number, must be inadequately endowed.

The principal requirements of the improved organization which I recommend, are :—

First, the comprehensive education, practical training, and strict examination, of candidates for sanitary office.

Secondly, a proper performance of many unfulfilled or imperfectly executed—yet most necessary—public duties.

Thirdly, the consolidation of certain allied functions, instead of their fragmentary, expensive, and inefficient separation among several classes of agents.

Fourthly, the prohibition of private medical practice to public sanitary officers.

In carrying these principles into operation, it may appear desirable, as I have admitted, to double or treble the population of a sanitary district in some localities, and to furnish its official superintendent with one or more scientific coadjutors.

Safe and true principles of administration admit of easy adaptation to local differences and to the various circumstances of a people.

Having, I hope, met the more practical criticisms to which my propositions may be open, I need hardly dwell upon possible objections of a merely theoretical or æsthetical nature. Yet a few remarks seem to be due to those who hold that sanitary regulations do not come within the province of Government, and that systematic legislation for the public health is an improper interference with personal freedom of action.

The opposition of this school appears to me to depend mainly upon their ignoring the distinction between PERSONAL HYGIÉNE, or the voluntary action of individuals in the preservation of their own health and that of their families, and PUBLIC HYGIÉNE, or the legal action of society, by sanitary institutes, for the welfare and security of the public.

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* If the regular inspection of vaccinations should prove to be too onerous an addition to the multifarious duties of a Health Officer, it might be entrusted to his deputy, who should be one of the medical-relief corps of his district.

Every one fairly instructed in the first elements of physiology and the simpler precepts of health, is responsible to his Maker and himself alone for the neglect of those maxims and precautions which are strictly personal and in no way affect the well-being of his neighbours. But laws for the protection of the public health are a necessary condition of civilization, binding each member of the community by the good old rule, *sic utere tuo ut alienum non lædas.* Every citizen is thereby made responsible to the State, and surrenders for the general good a portion of his natural liberty, as the price of his share of the advantages of brotherhood and nationality.

On the other hand, it would be utter waste of time to notice the shallow declamation and smart sophisms which I have seen aimed at well-considered projects of medico-sanitary organization. What need one reply to such epithets as—utopian, un-English, centralizing, despotic, &c.? Applied to rational administrative reforms in a country where the local element of government greatly preponderates, and where the central executive is strictly responsible to Parliament, they are as—

> . . . . . 'a tale
> Told by an idiot, full of sound and fury,
> Signifying—nothing.'

Unfortunately this verbiage tells with an unthinking multitude; and the result, as Mr. Ruskin eloquently describes it, is—a population which 'resists every effort to lead it into purity of habit and habitation, to give it genuineness of nourishment and wholesomeness of air, as a new interference with its liberty, and insists vociferously on its right to helpless death.'

Every teacher of great truths must reckon upon this sort of opposition. But the wise and hopeful sanitary reformer will not be discouraged. He will not cease to propound and defend—forbearingly yet unflinchingly—those principles of public action which he believes to be of fundamental importance in sanitary management. Nevertheless he thankfully accepts, from those in power, such instalments of a better system as are possible under existing circumstances, and are not incompatible with future progress in a right direction. Cautious and far sighted, however, he does not hesitate to reject unsafe concessions, founded on no sound principle, even though plausible and attractive; for well he knows that they tend to create future impediments, to conceal or to protect present abuses, and to strengthen the hands of the obstructive and reactionary.

His motto is 'Progress.' His means;—impartial, scientific, and comprehensive inquiry; skilful compilation and truthful publication of facts in every district; unsparing exposure of abuses; systematic instruction of the people by qualified teachers; enlightened administration of wise laws.

His ends;—the health and longevity of the people, aiding their moral and religious improvement, confirming the obligations of social order, strengthening the foundations of public liberty, and thus promoting the lasting peace and happiness of his country.

On the Great Importance of the Uniform and General Registration of Common Lodging-Houses, and the Most Effectual Means of securing its Accomplishment. By THEODORE W. RATHBONE.

I AM anxious to direct the attention of the department to the exceedingly important and beneficial results derived from the uniform registration of all common lodging-houses, under the Acts and with the regulations for which we are indebted to our noble President, those of 1851 and 1853, 14 and 15 Vic., cap. 2, and 16 and 17 Vic., cap. 41. I do so from long experience and opportunity of personal observation, as a county and as a borough magistrate, of a crowded population in which registration and these valuable and urgently required regulations have, ever since the powers were acquired, been uniformly carried out, and also of others in which this is still very far indeed from being the case, either as to general registration, or the acquisition even of the power to enforce some of the most important of the regulations. In my own immediate neighbourhood is a large rural and crowded village population, and numbers of lodging-houses of the poorest class for the Irish during harvest, navvies, and lodgers of that character; the population of Prescot and of Woolton, both within a few miles, amounting at the census of 1851 to 7393 and 4685 respectively, and the common lodging-houses, which are now all registered, being in this division 142 in number, and having risen at times to 400. The state of many of these, previously to the powers obtained by the magistrates and the police through the Act of 1851, was such as would scarcely be credited if it were not still largely the condition of all the unhappily numerous common lodging-houses where the Acts and regulations in question have not yet been brought into operation. Into rooms wholly unfit to receive at most half a dozen lodgers, and now strictly confined to a proper number and distribution, under the excellent regulations, at once sanctioned and rendered imperative, on application, by the Home Office, through the Earl of Shaftesbury's Acts, twenty lodgers or more were stowed, even when the other rooms were unoccupied, and with utter disregard of all those important regulations for securing decent separation of the sexes, comfort, cleanliness, and ventilation to such an extent that the air was often in so foul, and the rooms in so filthy a state that the police were made sick on even looking into them, and the medical officers often represented that after visiting a patient they had to go home immediately to change their clothes. Nor was this inevitably horrible state of unregistered common lodging-houses in any degree singular. Captain Harris, the Assistant-Commissioner of the Metropolitan Police, says—'The state of the common lodging-houses before the passing of the Act in question defies description; they were perfect hotbeds of crime, disease, and misery,' whilst 'under the operation of this Act, an entire change has been effected, and, where the regulations have

been fully enforced, there is little further to be desired. Fears of dissatisfaction,' Captain Harris goes on to state, 'are found to be altogether groundless. The operation of the Act has caused neither discontent nor opposition, not one assault on any of the police officers, or just complaint of intrusion into a private dwelling;' but, on the contrary, that 'he has been much struck by the willingness of the owners to admit the inspectors in the night as well as the day, and that it is not uncommon to hear the lodgers express their satisfaction at seeing the provisions of the law enforced.' From all parts of the country where the Act has been carried into full and uniform operation, the reports are of the same character, and the only exceptions, and they are very striking, are where this has, unhappily, not yet been the case.

Regulations affording a speedy and effectual remedy for the shocking state of misery and vice in which a large and helpless class of the population had been compelled to live, were, on the passing of Lord Shaftesbury's Act of 1851, at once obtained by the magistrates through the Home Office, in this and many other districts, and have since been vigilantly enforced by the police. A proper limit has thus been fixed to the number of lodgers not only in each house, but, what is far more important, and elsewhere entirely neglected, even where registration is partially carried out, the number in each room is conspicuously indicated by tickets with the printed regulations required to be observed; lodging of grown-up persons of opposite sexes, unless married, in the same apartment, is thus prohibited, and attention to all the other useful regulations found expedient for the proper furnishing, ventilation, and cleansing of common lodging-houses is now enforced.

These fearful Augean stables once cleansed, it is indeed highly deserving attention with what extreme facility and cordial concurrence of all parties, lodgers and lodging-house keepers, these truly valuable regulations may be carried into full and uniform operation by the police, not only in the ordinary course of their duties, but with very important advantages and facilities for their more efficient discharge. Even the small fines which the magistrates had at first to inflict are now rarely required, and wherever the Act has been effectually carried out, and every case of obstinacy firmly dealt with, the superintendents and inspectors are soon able almost constantly to report, as they have done, that now the common lodging-houses are 'all in a satisfactory state of cleanliness, and free from overcrowding and contagious disease' formerly, fever particularly, fearfully prevalent in these, whilst they are now often the almost entire exception when general all around them; that the lodging-house keepers, when relieved and protected from lawless unrestricted competitors, give the police every facility and assistance in carrying out the regulations, and, as well as their lodgers, are as a body decidedly favourable to the Act.' A little explanation of its beneficial tendencies and useful results in the first instance, soon confirmed by experience; clear indication and supply of the means of prompt registration before taking lodgers is allowed; and above all, uniformity and strictness in carrying it into

operation, ever have and ever will be found to bring this most important Act most easily into full efficiency in every part of the country. Whilst the police have again and again reported that their duties under the Act not only do not interfere with any other, but facilitate their discharge. The Act, in short, once in complete and perfect operation, may be almost said to work itself, and to leave the police little beyond the duty useful in so many ways of general inspection and superintendence.

It might therefore have been almost taken for granted that an Act which has been so long in altogether successful operation, and has been worked out with so much facility and cordial co-operation of all parties concerned, and, above all, with results of such unutterable importance to a class so numerous, wretched, and unprotected, would long ere this have been universal in its operation; and the painful extent to which it is neglected seems to demand a simple, and what it may reasonably be hoped must prove a speedy means of removing all remains of so great, so really disgraceful a blot in our social organization.

I am sorry to have to select as one of the strongest, though by no means the only instance of grievous exception within my knowledge, and as one of the oldest magistrates in the Commission, long and fully within my own knowledge, as well as established by official returns, which have not been, and cannot be, disputed, a large opulent town, immediately surrounded by the above-mentioned districts, in which lodging-house registration, with all its invaluable results, has so long been in perfect operation—a town now remarkable in many respects for the excellence of its other sanitary arrangements, and its admirably organized police force—one of the most complete and efficient in the kingdom; and, still more extraordinary and painful, that this striking exception should be one in which the uniform registration and police regulation of all the common lodging houses of a vast and peculiarly migratory population is of such extreme importance to health, morality, and economy as is the case in the great seaport of Liverpool.* Having long vainly sought and hoped to see a system, working with such invaluable results in the immediate neighbourhood, as well as in the metropolis and other parts of the country, at length adopted and efficiently carried out where the means and machinery are so perfect and complete as is the case in Liverpool; it may be remembered that, at our last October meeting, I called attention to the grievous fact that there still were a very large number of the common lodging-houses of Liverpool most requiring registration and police inspection and regulation, not even yet in that position, a fact to which the clergymen and others acquainted with the districts in question gave their warm and cordial attestation; and that to the registered the important regulations, giving power to register the

* In a paper published in the *Journal of the Statistical Society of London*, Mr. Danson has called attention to the striking fact established by the census of 1851, that of the 213,767 persons of 20 years of age and upwards who slept within the limits of the borough of Liverpool on the night of the 30th of March of that year, only 48,298, or above two out of every nine, were natives of the town.

proper number of lodgers for each room, as well as the whole house, to prevent promiscuous mixing of the sexes, were not, and are not yet, rendered applicable in Liverpool as elsewhere.

I will only very shortly notice, as shown in the most authentic and unquestionable of all possible records, the actual state and extent of the unregistered common lodging-houses of Liverpool.

Of four streets in different parts of the borough, taken as 'types and examples,' and only in a similar condition to many others mentioned at your last meeting, after careful examination by intelligent police inspectors, the head constable, Major Greig, reports, that 'in one of the worst, Albert-street, there are 157 common lodging-houses, not a single one of which has been registered, and that of the 526 in these four streets (a number exceeding the entire number registered in the whole of the borough in October last) only 13 were then on the register.'

These unregistered houses, it is further stated, are almost all 'lodging-houses of the most inferior and poorest class'—those which most urgently and peculiarly require registration as common lodging-houses, and the consequent police inspection and regulation. The occupants are stated in the reports of the police—the last so late as June—and will be found on personal inspection by all who have the courage to venture on such an undertaking—to be 'persons of the lowest class, the houses, in most instances, filthy, floors and walls very dirty, and unwholesome from the want of proper ventilation—(a melancholy and sad contrast to common lodging-houses just as poor and humble, where, in the immediate neighbourhood, as an inspection will also at once show to any one, registration has, ever since the Act was passed, secured cleanliness, decency, and health)—the sexes huddled together promiscuously, the lodgers, in many instances, occupying and overcrowding two or three of the rooms, whilst the others are empty;' and it is distinctly stated that, 'in the most densely-populated and worst streets of Liverpool, far the greater number of the low and inferior lodging-houses are not registered, and that the registered houses form but a small proportion of what may be considered common lodging-houses.'

As the Health Committee, to which, and to a small staff of Sanitary Inspectors, the registration of the common lodging-houses of the borough is to be exclusively entrusted, state in their report that the figures supplied by the police approximate closely, and without error of sufficient moment to need observation, to their own, it would appear not a little singular to find that the officers of this Committee still persist in denying all knowledge of any case in the borough of a common lodging-house unregistered, excepting, the last joint report states, *three;* but this wide difference of statement is explained by an entire and most singular difference as to what is to be considered and registered as a common lodging-house. The Committee only attempt registering as common lodging-houses those which they can convict of having taken nightly lodgers. They have never attempted to carry out the General Acts of 1851 and 1853, and bring under regulation all houses in which strangers to each other

lodge in a common room, whether for a night or longer period; but continue to register under an old Local Act, construed to apply to nightly lodgers, though the express words are—'lodgers for one night, or other short periods.' Hence the greater number and the most inferior and noxious of the common lodging-houses of Liverpool, easily escape on this plea, and hence the horrible state of whole streets and districts of the town.

Now, in a paper on 'Sanitary Reform,' brought before you last year by a clergyman well known for the enlightened and indefatigable attention he has long given to the subject, we find the statement that 'It was a wise and kind interference with the liberty of the subject to place common lodging-houses under inspection, and to compel those who offered shelter to the poorest, most helpless, most ignorant, and most reckless, not to accompany it with conditions involving imminent risk to health and morality, as was the case. The result has been triumphant—disorder conquered, fever banished, death restrained, decency secured, comparative comfort obtained, and cheapness not sacrificed. What is wanted is the extension of the same principle of inspection by impartial examiners, and control by legal authority, to the whole class of dwellings inhabited by those who cannot, and do not, protect themselves and their still more helpless families. I see no good reason why the right of inspection and the power of control should not be extended to all dwellings whatever, with whatever precaution that may be thought necessary to guard against the risk, if risk there be, of intrusion upon domestic privacy, which appears to me a very shadowy danger. Simple inspection, with publication of the results, by officers not locally connected, will do much to bring about the remedy, which local authorities have the power, but not the will, to apply. Why a permanent staff of Government sanitary inspectors should not be appointed it is difficult to say. We have now factory inspectors, mine inspectors, school inspectors, and they all work well. Not an argument can be brought against the institution of sanitary inspectors which was not brought against them.'*

Those who may be least inclined to go entirely and to the full extent along with this benevolent and excellent man, will, at all events, surely admit that such inspection and official publication of the results would be an altogether unobjectionable course in the present case, and that it would be certain to bring about the much needed general and uniform registration of our common lodging-houses. With this authentication of the facts, it can scarcely be questioned that the helpless class constantly driven to seek lodgings in strange and unknown places would no longer be left exposed to these fearful dens of misery, disease, and crime, which have brought, and still are bringing, so many hundreds to ruin, whilst their entire and immediate banishment, or rather purification and perfect regulation, has been shown by so many years of wide and varied experience to be as simple and easy as it is urgent and important.

* See Paper by the Rev. Charles Kingsley, *Transactions*, 1858, p. 431.

On the Want of Better Provision for the Labouring and Middle Classes when attacked or threatened with Insanity. By S. GASKELL, *one of the Commissioners in Lunacy.*

BEFORE entering on the special subject now introduced to the consideration of the department, it may be well to state briefly the existing arrangements made for the poorest portion of the community throughout England and Wales.

For the pauper attacked by insanity, asylums are required by law to be opened in every district, and on behalf of this class little further is needed, except a more satisfactory recognition of the intention of the legislature, and the abolition of certain restrictions attributable to an incomplete abandonment of obsolete views and practices. But for those not included in the list of paupers there is a lamentable want of proper means of care and treatment in this portion of the United Kingdom. Benevolent individuals have indeed from time to time endeavoured to supply the deficiency; nevertheless, the few charitable institutions scattered over the country are quite inadequate, the amount of hospital accommodation for mental affections being far below the demands made for succour and relief, presenting, as it does, a striking contrast to the abundant provision made for bodily ailments in every district.

The question naturally arises—how are the unfortunate individuals who belong to the labouring and middle classes accommodated and treated? It is too notorious that many are detained at home, causing sad disasters, confirmation of the malady, and reduction of the family to pauperism by the expense incurred; others, again, are sent to private asylums, where the cost of maintenance being necessarily great, a like pauperising result ensues; and in numerous instances admission is obtained into the county asylum, which, being strictly instituted for the reception of paupers, involves an evasion and infraction of the law.

Among cases such as the foregoing may be found many who have contributed to the rates for the erection of a county asylum, and yet when affliction reaches their own home, they look in vain for succour and relief such as they have aided in obtaining for the poorest class.

In order, therefore, to supply a great want, to diminish the number of the insane by affording available means of cure, to prevent sad disasters, to keep the independent labourer off the pauper list, to ward off permanent expense to parishes, and to check evasion of the law, it appears incumbent on the State to supply the needed accommodation.

It is satisfactory to think that a moderate sum only might be required for the purpose, for there is good reason to believe that if the land and building were supplied by the public, all other expenses would be met by the payments made for the patients under treatment, and that the institutions would become self-supporting.

If, therefore, by district rates alone, or by a combination of this means of raising funds with grants from the State, institutions could be established for the labouring and middle classes, a great boon would be directly extended to them in particular, and indirectly also the general community would benefit therefrom.

Many additional arguments might be adduced in support of the proposition now made, and much more might be said both on the general principle and also on the details; believing, however, that reasons sufficient to obtain consideration have been stated, I leave the question of provision as regards class in life, and proceed to draw attention to the kind of accommodation needed for different forms of insanity.

In this respect also there appears to be a manifest want.

It is well known that diseases of the mind, as well as diseases of the body, assume an infinite variety of forms, varying both in kind and also in intensity. Indeed, few disorders to which the human frame is subject present aspects so dissimilar as mental affections, and hence the necessity of accommodation and treatment suitable to the severity or mildness of the attack.

In asylums, however, as at present constituted, the law recognises no distinction as regards the kind of cases needing care and protection, the same certificates, orders, returns, restrictive regulations, and penalties being applicable to all patients, whether affected by the slightest aberration or suffering from total loss of mental power and self-control.

How marked a difference is here observable as to bodily complaints, for which we have hospitals both general and special, dispensaries for milder cases, as well as convalescent and sea-side houses. And why, it may be asked, have we not asylums adapted to the slighter as well as the most severe form of disease?

Whilst drawing attention to this matter, I will not attempt to delineate the exact provision suited to the multiform aspect in which insanity presents itself, but shall simply treat on the kind of care needed for mild, transient, incipient, and convalescent cases.

No one engaged in the practice of medicine can fail to have observed this great want, and instances innumerable must have been noticed of injurious detention at home; of confinement in the houses of strangers, where neglect and severity is the rule; and, lastly, of well-meant though injudicious discharge from asylums.

Under the present system, it may be remarked, not only are the sufferings of the patient aggravated and prolonged, but moreover the law is disregarded. It is notorious that many persons affected by the milder forms of insanity are placed in unrecognised houses, opened avowedly for the reception of nervous invalids. It becomes therefore a question, whether a continuance of this manifest breach of the law should be permitted, or whether enactments should be framed to meet the defect.

In many instances coming under this class, the disease is so slight and undeveloped as to present few features recognisable as positive

indications of insanity, the symptoms being rather of a negative character; in others, again, although the disordered action may be more manifest, yet the signs are of so slight a nature as to be scarcely sufficient to warrant a certificate as required by law.

All such cases clearly require remedial treatment of some kind or other, but it cannot be a matter of surprise that both on the part of the patient and the relatives there should be a repugnance to resort to asylums as at present constituted. An aversion is naturally felt to denouncing a member of a family mad, to be consigned to a lunatic asylum, and subjected to the lunacy laws.

To obtain the object now advocated it seems desirable to extend legal sanction to a class of houses into which patients should be allowed to place themselves voluntarily, or be admitted on less complicated and stringent documents; and further, that in them a limited control only should be exercised over the inmates, extending possibly to the observance of certain rules of the house, a required presence at the family table, return home at an early hour, and strict prevention of absence during the night time.

Such places offering an agreeable change of scene, quiet, and retirement, as well as the benefit of good advice, would afford a means of treatment much to be desired for incipient and transient cases. For those also convalescent from the more severe forms of the malady, they would prove of great benefit as probationary houses, intermediate between the asylum and home. A short residence in them would bring into operation and confirm the power of self-control, and thus, by promoting complete recovery, diminish the risk of relapse to which patients are now often subject from a too sudden return to their ordinary mode of life.

Nearly five thousand patients are discharged annually from asylums in England and Wales.

A large proportion of the private cases returned as recovered have been first removed under some kind of trial either with relatives or in lodgings, and ultimately they have been struck off the list as cured. For a majority of such patients, and for nearly all those sent out relieved, the modified control of a probationary house would prove of inestimable benefit.

Abodes such as these, marked by an entire absence of offensive objects, sounds, or restrictive contrivances, would invite early treatment, prevent the malady from running on to an incurable extent, and be the means of counteracting disasters to which the community are, unfortunately, too subject under the present system.

A few instances of this nature I now propose to enumerate, as illustrative of the want of a more comprehensive provision for the insane.

We have no available means of ascertaining the exact number of cases neglected, or of the amount of misery endured, owing to the want of timely care and protection. Through the medium of the daily press we, however, obtain an occasional glimpse sufficient to prove that the cases are numerous and the misery intense.

In a single number of the *Times*, of May 15, 1857, we read the account of a woman killing her two children and accusing her husband of the deed. She had recently been discharged from an asylum, and was proved to be insane. In another column of the same paper we find that a labouring man suffering under religious delusions destroyed the attendant placed by his friends to take care of him.

In the month of January, 1858, a young man who 'for five or six years had not been of sound mind,' and had lately become worse, put an end to his father's life by great violence.

In the following month the wife of a cabinet maker who 'for four months had been suffering from aberration of intellect,' committed suicide by cutting her throat.

In the following May a journeyman printer, who, according to the evidence of his medical attendant, had for some time been 'suffering from an unsound mind,' suddenly and without provocation took the life of a fellow-workman in presence of his companions, and then mutilated the body.

In August following a farmer in good circumstances, who had been insane nine years, and had twice attempted suicide, fatally assaulted the man who was engaged to attend him.

In the next month a lady who had for 'some time been labouring under mental depression,' left her home, and, after two days and nights, was found in an almost lifeless state on a hill side.

In the following November a seaman who had been in an asylum, and had twice attempted suicide, was placed on trial for killing his grandmother, which he did 'in a paroxysm of mania, in the belief that he was destroying a man who was attempting his capture.'

In the same month, a commercial traveller, proved to have been 'for some time a raving madman,' nearly severed the head of a sick friend with whom he was on good terms.

In the next month a wool-sorter, who 'for some years back had shown a gloomy tendency of mind,' which had lately increased, killed his wife by ripping open her abdomen with a razor, and immediately committed suicide by cutting his own throat.

In the same month, a working silversmith, 'under medical treatment for a nervous complaint, was suddenly seized with a violent frenzy,' and furiously attacked his wife with a poker, and then committed suicide, nearly severing his head from his body with a razor.

The foregoing are merely a few instances of undoubted insanity which have been accidentally noticed in the newspapers—how many more have been recorded and have passed unnoticed it is not easy to say—many such must have appeared; and a multitude of like cases have undoubtedly occurred, the particulars of which have never been published, nor even told, beyond the family threshold.

By thus viewing passing events, the conclusion is forced upon us that an appalling amount of untold misery is endured, and injury inflicted from day to day, owing to the want of due care. Neglect of the insane is obviously followed by a train of the severest calamities.

Unprotected, the sufferer becomes a wreck, others fall victims; he himself is branded as a criminal, and remains for life in confinement. Whereas, were preventive means afforded, the course of diseased action would be checked, and awful catastrophes prevented. The perpetrator of such acts is usually regarded with severity; could he state his case, it might possibly be one of complaint, that neglect by guardians, more or less responsible for the public health, had allowed him to fall into a state of mind rendering him no longer responsible for his actions, and he had failed to prevent a catastrophe that might have been foreseen and avoided.

Let us now turn from the consideration of catastrophes resulting from a diseased action, which totally subverts all natural affection, and briefly survey a somewhat similar class of occurrences arising from a loss of the strongest instinct implanted in us, namely, that of self-preservation. I refrain from detailing cases given in the daily papers, and simply state the fact, that there are upwards of one thousand instances of suicide each year, to which should also be added the unsuccessful attempts, which are doubtless large in number. There are 240 suicides annually in the metropolis alone.

Judging from the statements made by those who have recovered from their wounds, we are justified in saying that many suffering from this form of temporary insanity might be rescued were timely care provided for those labouring under an uncontrollable impulse to self-destruction. How great a reduction of the instances of self-destruction would be effected by affording throughout the country the accommodation now advocated.

Without being over sanguine as to the amount of benefit likely to arise by the provision of suitable refuges, if only the smallest fraction, say one per cent., could be saved, we should have sufficient reason for the establishment of institutions such as are now advocated.

The International Quarantine Conference of Paris in 1851–2, with Remarks. By* Gavin Milroy, M.D., *Fellow Royal College Physicians, &c.*

In 1850, upon the invitation of the French Republican Government, it was agreed among the different States which had coast possessions

* A Report of the proceedings of the Sub-committee, which was appointed by the Council, on February 23, 1859, for the consideration of the whole subject of quarantine, was read by Dr. Milroy, secretary of the sub-committee, at the same time as this paper, which was prepared at the suggestion of some of the members. The sub-committee had framed a series of queries, embracing the various topics requiring elucidation, and on which authentic data were most desirable. These queries had, on the application of the Earl of Shaftesbury, then President of the Public Health section of the Association, been submitted to the Foreign and

in, or close to, the Mediterranean, that an international Conference on the subject of quarantine be held in Paris.

Delegates, medical and consular, attended from France, Great Britain, Austria, Russia, Sardinia, Tuscany, the Papal States, Naples, Turkey, Greece, Spain, and Portugal.*

The omission from such an inquiry of the United States, which could have afforded the most valuable information on some leading points, was, I think, much to be regretted.

The first meeting was held on the 23rd of July, under the Presidency of M. David, a Minister Plenipotentiary of France; and the subsequent meetings, forty-two in number, took place during the next six months. The Conference finally closed on the 19th January, 1852, receiving the thanks of the Prince President, then just elevated to permanent supreme power.

At one of their earliest sittings it was decided that only two kinds or degrees of quarantine be henceforth recognised—viz., 'quarantine of observation,' and 'quarantine of rigour or strictness,' and that the third or intermediate kind, 'suspected quarantine,' should be discontinued.

Quarantine of observation involves only the enforced detention and isolation of a vessel with all persons and things on board for a specified time, due attention to ventilation and cleanliness being required to be observed. In strict quarantine, besides a longer detention and a more rigorous isolation, other special precautionary measures, including the disembarkation of persons and the cargo in a lazaret, and their presumed disinfection by fumigation, &c., are imposed.

It was also resolved that, in future, only two forms of bills of health should be used—the clean and the foul—according as certain diseases (to be presently mentioned) are ascertained and certified by proper local authorities (and not merely rumoured or conjectured as has often been the case hitherto) to exist in the port of departure.

The intermediate form, the suspected bill of health, was declared to be unnecessary.

Moreover, it was agreed that, in all cases of quarantine without

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Colonial Secretaries of State, and by these ministers sent to all British consuls abroad, and to the governors of all our colonies. The Directors-General of the Army and Navy Medical Departments had also transmitted them to the principal medical officers on all foreign stations.

From these channels a large amount of most valuable information had been obtained, upwards of ninety replies having been received at the date of the meeting at Bradford. Upwards of forty more have since been received (Dec. 31).

A local committee has been formed at Constantinople, through the instrumentality of Dr. Foote, an able resident physician there, for the investigation of the quarantine practice in the Turkish dominions. Some highly interesting details have already been received in a preliminary report from this gentleman.

The sub-committee expect to have their full report ready at the next annual meeting of the Association.

* The *Consular* delegates were M. M. David, Sir A. Perrier, Lavison, Ebeling, Magnetto, Cecconi, Escalon, Falcon, Halphen, Vitalis, Segovia, and Silveira; and the *medical* delegates were Drs. Melier, Sutherland, Menis, Rosenberger, Bo, Betti, Cappello, Carbonaro, Bartoletti, Costi, Monlau, and Grande.

exception, the quarantine measures shall apply equally to the vessel, to the crew and passengers, and to the cargo, whatever be their condition as to health and soundness, or otherwise, during the voyage or on arrival.

It must always be borne in mind that the imposal of quarantine by no means implies that there has ever been any, even the slightest trace or suspicion of, sickness on board the ship which is detained. In the large majority of instances, the vessel and all on board have been and are quite healthy and sound; but the port from which she sailed being declared to be infected, all arrivals therefrom are presumed to be liable to convey and transmit some portion of the local infection. The quarantine is directed against the 'pays de provenance' generally, and it therefore involves all persons and things coming therefrom; without reference to their actual and ascertainable condition.

The first question of real importance which the delegates had to settle was, to agree among themselves what are the diseases against which this general quarantine should be declared to be necessary. After much learned discussion, it was resolved that the three diseases of the plague, yellow fever, and malignant cholera shall be held as, in an especial manner, demanding the use of quarantine measures for the protection of a country against their invasion from abroad.

This decision of the Conference was not adopted without much opposition, more particularly as regards the *cholera*. Austria protested against the necessity for general quarantine against this disease. She had given a fair trial to it in 1831, and had found it not only useless, but disastrously mischievous; and the subsequent experience of other countries had confirmed the opinion she had formed on the subject.

Besides England, France and also Sardinia expressed their opposition to the measure. They had continued a modified and mitigated use of it in some of their ports, only out of deference to other States in the Mediterranean, and until some general agreement on the subject could be come to.

On the other hand, Naples and the Papal States resolutely maintained the necessity for as strict quarantine against the cholera as against the plague, and expressed their determination to resist any attempt to do away with it. The Island of Elba and many places in Italy, they said, had been preserved from the pestilence by the adoption of strict segregation and the exclusion of all suspected arrivals; and other places might enjoy the same immunity by like measures, if promptly and energetically used.

The delegates from Spain and Portugal, while admitting that it is mainly by carrying out sanitary measures on board merchant vessels, and also in all sea and river ports which are very generally noted for their extreme unhealthiness, that the spread of cholera can be checked, contended that, until such measures have been universally and efficiently carried out, quarantine must be continued.

The Russian delegate stated that, in consequence of the unsuccess of the practice throughout Russia during the first epidemic in 1830-1,

no regular quarantine measures were anywhere adopted on the second visitation in 1847. The epidemic of that and the following year proved, however, to be more widely spread and more fatal than on the former occasion; and as his Government had been informed that the conterminous countries of Sweden and Silesia had recently (1850-1) been preserved from the pestilence by the adoption of energetic restrictive precautions, Russia had not come to a definite decision on the question, but awaited the results of further trial and observation.

On two points, however, experience, he said, appeared to be conclusive, viz., that the disease, when occurring only in sporadic and occasional cases, is certainly not importable by intercourse; and, secondly, that the only *fomites* or articles capable of transmitting the cholera poison are bed or body clothes fouled with the excreta of the sick.

The final decision of the Conference, as carried by a majority of votes, was that all arrivals whatever from a place where cholera exists should be liable to a quarantine of observation of five complete days, the voyage being included in this period, before free pratique is granted.

If a case of the disease occurred during the voyage, the quarantine to date from the arrival of the vessel; and, if during the performance of quarantine, a fresh detention to be imposed from the date of each such occurrence.

With respect to cargoes generally, it was decided that they shall never be required to be disembarked into a lazaret, or be subjected to any other measures of purification, except free ventilation on board, and due attention to the cleanliness of the vessel itself.

These remarks apply to arrivals from countries actually infected with the cholera. A shorter quarantine of observation, namely, for three days only including the voyage, might be imposed on arrivals from countries which a local board of health should consider to be compromised, either by proximity to an infected place or otherwise, although the disease may not yet have manifested itself.

Yellow Fever.—The quarantines against this disease are made much more severe than for the cholera. A 'minimum' and a 'maximum' period of detention are appointed, according to the length of the voyage, the occurrence or not of suspicious sickness during the voyage, and other circumstances to be determined by the authorities in the port of arrival.

The minimum period shall be from five to seven days, the maximum from seven to fifteen days.

Should the voyage have exceeded thirty days, and have been quite free from sickness, and should the vessel be found to be in a good sanitary condition on arrival, the detention may be reduced to three days.

With respect to the treatment of the cargo, simple aeration on board may suffice if the voyage has exceeded ten days, and no sickness whatever has occurred since leaving the port of departure. But when any case of the disease has occurred on board, or if the voyage has been shorter than ten days, a local board of health may require,

if it sees fit, the same strict precautionary measures, viz., disembarkation and disinfection in a lazaret, to be adopted in the case of the plague.

As numerous instances had come to the knowledge of the Conference where long and expensive detentions had been imposed on the score of the yellow fever, and where it was afterwards discovered that no disease of the sort existed in the place at the time of the vessel's leaving it, it was decided by a majority of votes that the actual and ascertained existence of the fever in the port of departure should, in future, be duly certified by the local authorities, to warrant the issuing of foul bills of health. The delegates from Spain, Naples, and the Roman States, nevertheless, strongly resisted this decision—on what reasonable grounds it is not easy to imagine.

With the exception of M. David, who had resided for many years as French consul in the West Indies and America, none of the delegates seem to have had any practical acquaintance with the yellow fever in its native localities. As usual in such circumstances, their views were derived rather from individual and detached statements of others than from the sifted results of comprehensive observation. Several of the assertions made by the Spanish and Portuguese delegates were obviously incorrect.

The Plague.—Against this, the most dreaded because the least known, of pestilential diseases, quarantine has hitherto been directed with especial rigour, and in this spirit the decisions of the Conference were framed.

As in the case of the yellow fever, a minimum and a maximum period of detention was imposed on crews of all vessels, whether sick or well, coming from an infected or suspected port;—the former to be of ten days, and the latter of fifteen days' duration.

An extra and special precaution was to apply to vessels arriving from any port in the Ottoman dominions, viz., of requiring that even when they brought clean bills of health, or, in other words, a certificate that the port of departure was quite free from any disease, a period of from eight to ten days (according as there shall or shall not be a medical officer on board) must elapse after sailing before free pratique shall be granted.

This precaution was to continue in force until the Turkish Government had completed the promised sanitary organization throughout their dominions, and also until European medical officers had been appointed by the different States represented at the Conference to reside as official superintendents of health in the principal towns and seaports of Turkey, after the example set by France ten or twelve years ago.*

* Among the recommendations of the Conference was that of advising the appointment of resident official physicians in different places in the West Indies, &c., for the accurate study, on the spot, of yellow fever. But abundant evidence, of the most instructive description, has since then been obtained, during the long and wide-spread prevalence of the pestilence in various countries of the New World since 1851. It is not mere evidence that is wanted, but more of impartial discrimination and the simple love of truth in dealing with what is already before us.

It was decided that quarantine for the plague can only be duly performed in a port which is provided with a properly-appointed lazaret, where cargoes and persons may be landed for fumigation and the other customary appliances of disinfection. Mere detention on board ship and exposure to the air should not be deemed sufficient.

Moreover, the old, and obsolete (it had been thought), threefold classification of cargoes and articles of merchandize is virtually retained: viz., into the highly susceptible, or such as are deemed especially liable to receive and retain the poison germs of the plague —the moderately susceptible—and the non-susceptible. Woollen and silken goods still belong to the first class; cotton and linen goods to the second. Disembarkation into a lazaret, and fumigation, &c., are to be obligatory for the former; but these measures are optional, or at the discretion of the health authorities, for the latter.

Letters, books, and newspapers, also all live animals, shall continue to be treated as hitherto.

It is satisfactory, notwithstanding the retention of such rigorous practices, to know that all the delegates, with the exception only of the Papal and Neapolitan, confirmed the important result of Sir W. Pym's observations in 1844, that not a single authenticated instance of the plague has occurred in any lazaret throughout the Mediterranean among all the men engaged in handling the cargoes of infected or suspected vessels, or of a case of the disease having ever been known to be introduced into a country by cotton bales or other similar goods.

So much for the quarantines recommended by the Conference against the cholera, yellow fever, and the plague. In order to make, it would seem, assurance doubly sure on the side of presumed safety by such measures, it was resolved that, even after the certified cessation of any one of these diseases in a place, a specified period must elapse before clean bills of health should be issued therefrom, viz., of ten days for the cholera, twenty days for yellow fever, and thirty days for the plague.

But in addition to these three diseases, the occurrence of other transmissible diseases, as typhus, small-pox, &c., on board a vessel shall warrant the imposal of such quarantine as the local authorities may determine upon the infected vessel itself, but not upon the country whence she came, nor upon other vessels arriving therefrom. In other words, the quarantine shall be individual, not general;—on the sick ship, but not on her port of departure. It is most necessary to attend to this distinction in all considerations of the subject.

Besides the various points already noticed, there were several other incidental and connected topics learnedly discussed by the delegates. One of the most important of these was the existing sanitary and hygienic condition of Turkey and Egypt, and the results of the system of health police which had been established in these countries ten or twelve years previously. The remarkable cessation—may it prove permanent!—of the plague in the very countries which had for ages been regarded as the chief birth-place and nursery of the pestilence, and the fact of this cessation being nearly contemporaneous and

concurrent with the establishment of comprehensive sanitary measures, were set forth, with numerous interesting details which cannot, however, be given here.

The defective sanitary state of most merchant ships, and the much-required improvement of the accommodation of the crews, as well as of their victuals and of the quality of the water supply, attracted much attention from the Conference. All the members concurred in the necessity of a more minute and vigilant inspection of vessels, and of all on board, both before departure and upon arrival. A large amount of sickness and many deaths during the voyage would thus be prevented, and the working efficiency of the crew materially increased.

The unwholesome condition of most sea and river port towns, and of docks and harbours, notoriously favouring the development and spread of all epidemic diseases, was also universally admitted; and great praise was awarded to the first General Board of Health in this country for the views promulgated by it on this head.

To mark their sense of the risk to the public health by the neglect of sanitary measures on board merchant vessels, the Conference resolved that ships arriving in a foul and unwholesome condition, even although they had clean bills of health and no sickness had occurred during the voyage, should be treated as if they had foul bills, and be subjected to quarantine detention and purification.

In the converse case, however, no abatement of the usual restrictions was proposed.

Such is, I believe, an exact epitome of the six months' labours of the International Conference, drawn from the minutes of their proceedings which were printed at the time by the French Government, but have not been made public. The convention based upon and embodying the results of their deliberations has hitherto been adopted by only a few of the represented Powers, viz., by France and Sardinia, in the first instance, and at a later period by Portugal, Tuscany, and Turkey. This country among others has, most wisely I think, declined to follow the example; for there is certainly much in the proposed restrictions upon freedom of intercourse, on account of the apprehended risk of imported disease, that appears to be unnecessary, and therefore objectionable. And it is a fact not undeserving of notice, that in more than one of the countries which took part in the Conference, the quarantine system pursued since 1851 seems to be now actually more vexatious and oppressive than it was before.

The only comment which I propose to make on the leading conclusions of the Conference are in the form of two interrogatories, addressed to the medical profession, with the view of directing attention to an exact and scrutinizing investigation of the points submitted.

1. What evidence is there to show that any of the three diseases against which quarantine is specially directed, viz., cholera, yellow fever, and the plague, has ever been introduced into any place or country by a vessel on board of which no case of disease had occurred during the voyage, and which was also free from sickness on arrival?

2. On what trustworthy evidence rests the doctrine that, while the lapse of five days of exemption from any signs of the cholera among the crew and passengers in a ship is considered to be a sufficient guarantee against the risk of that disease being imported, double and triple that period is necessary for the like security in respect of the yellow fever and the plague?

The elucidation of these two questions is, it is obvious, intimately connected with a right decision on the fundamental principles of existing quarantine legislation and practice.

On the Healthiness of the Anglo-Saxon Race in Australia. By JOHN BEDDOE, B.A., M.D.

THOUGH the stream of emigration is no longer so full and continuous as it was a few years ago, and though commercial prosperity and a brisk demand for labour render us less willing to see large masses of our productive population drafted off to colonies or foreign countries, the numbers of those who leave our shores for those of Australasia are still but little diminished. They surpass, in the course of a single year, those of the Pilgrim settlers of New England, whose descendants, in the course of little more than 200 years, have so multiplied as to be now estimated at more than a fourth of the whole white population of the United States.

The great fecundity indicated by this rapid multiplication has been observable in the history of many colonies, ancient and modern, doubtless by reason of the abundance of land and food, and the absence of any preventive check. Thus many of the Greek settlements in Italy, Sicily, and Africa throve so as speedily to surpass in population their parent cities. Thus also, at the present day, the French exhibit in their own country the lowest birth-rate in Europe, but in Algeria a rate equal to that of the most flourishing and prolific districts in England, and far exceeding the average of our country.

Great fecundity may, however, exist in a stationary or even retrograde population. An unhealthy climate, bad government, disregard of physical and moral laws, may entirely counteract its influence. They do so most remarkably in Algeria, and in some of the most fertile provinces of Russia, where the birth-rate is higher still, without being adequate to filling up the void caused by an enormous mortality.

The question whether the portion of our race that has already been transplanted to Australia is likely to thrive and multiply like our kindred in New England, or to share the fate of the French in Algeria, and of our own people in many intertropical countries, seems to me, then, well worthy of investigation, especially as the answer to it may materially influence our views as to the propriety of assisting and encouraging the emigration of our countrymen thither.

The climate of Port Philip, (now-a-days, to the confusion of geography, called Victoria), was at first extravagantly lauded, but has of late years been very much abused; and exaggerated statements have been put forth as to its insalubrity, particularly for the children of Europeans. Sufficient materials exist, however, for the disproval or modification of these accusations. A regular system of registration is now in operation there, and some of its results have been published by Mr. Archer, the Colonial Registrar, in a condensed form.

It appears that the colonial birth-rate is now as high as 4·08 per cent. Its rapid increase of late years, the tendency to an equalization in number of the sexes, the lessened mortality among both infants and adults, the gradual decline under such heads as delirium tremens, &c., point to an improving state of public morals, as well as of the physical conditions to which the inhabitants are subjected. It would be unfair to compare the total death-rate with that of England, unless after the application of considerable corrections to make up for the absence of aged persons in the new country. Even with these corrections, however, the comparison would, I believe, be favourable to the colony. The actual amount of the death-rate is less than 1·7 per cent., and the excess of births over deaths is consequently greater than in any English registration district. The order of salubrity of the seasons is contrary to that observed in this country, the greater number of deaths taking place in summer, and the less in winter. Dysentery and diarrhœa are very fatal to adults in the hot months, and still more so to young children, but their ravages are so far compensated by comparative immunity from eruptive and thoracic diseases, that the infant mortality, when calculated, as it always should be, not on the whole population, but on the number of infants living, or, what is more convenient, and practically correct enough, on the number of births, appears to be actually less in Melbourne than in many of our own large towns, while in the country districts the rate is a low one when compared with English standards. Children are usually less ruddy and blooming than in the mother country, or than in the moist, breezy, almost British climate of New Zealand, but this paleness is evidently not inconsistent with health, strength, and activity.

Among favourable circumstances, the absence of ague or malarial fever requires to be noted; and among unfavourable ones, the great frequency of violent deaths, and the persistent, though happily somewhat diminishing excess, of some diseases that often depend on habits of intemperance.

Such is the not unsatisfactory aspect of the public health in Victoria, the most important and populous of our Australian colonies, and the one respecting which we have the most accurate information. There is no doubt that in two neighbouring colonies, New Zealand and South Australia, the mortality is less, and the excess of births over deaths still greater. In South Australia, indeed, if the returns are accurate, the former amount to 4·4 and the latter to 1·1 per cent.,

yielding an excess of 3·3, which, in an otherwise stationary population, would imply doubling at the unexampled rate of once in 22 years.

We have reason, then, to believe that we possess in Australia regions where not only may money be made, and high wages got and spent, and British exports consumed, but great English-speaking communities may continue to multiply and thrive, and may develope themselves to an extent which the narrow limits of these islands forbid. Looking to the general interests of mankind, we are not entitled to regret that our fields and workshops are deserted by so many of the most active and energetic of our youth, who go to strengthen this young but vigorously budding branch of the Anglo-Saxon race.

There are yet, however, two things most conspicuously necessary to the moral and social advancement of these colonies. One of these is an amount of female emigration sufficient nearly to equalize the numbers of the sexes. The other is a great diminution in the consumption of ardent spirits, which continues to be immense, and proves most destructive, directly and indirectly, to life, health, and property. Probably a large portion of the violent deaths, which form no less than one-eighth of the total mortality in Victoria, are to be ascribed to reckless drunkenness. In Melbourne itself the establishment of an excellent water supply, and the erection of drinking-fountains, are thought to have checked it of late in some degree. And when it is considered that a great portion of the emigrants are mere lads, or young men with habits unformed, and easily trained to good or evil, it seems important that efforts should be made by those to whom opportunities are offered, to impress upon such intending colonists the paramount importance to their welfare of temperance and sobriety.

SUMMARY OF PROCEEDINGS IN THE PUBLIC HEALTH DEPARTMENT.

ON the morning of Friday, the 14th, the address on Public Health was delivered by the Right Hon. W. Cowper, M.P., President of the Department, the chair of which he occupied during the entire proceedings. Dr. Farr and Mr. P. H. Holland, the permanent Secretaries, were assisted by Dr. Macturk and Mr. H. F. Lockwood, as local secretaries. In addition to the papers printed in the foregoing pages, the following contributions were made to the Department:—

'Bradford, its Social and Sanitary Progress,' by T. Beaumont.

'Notes and Results of Sewage Irrigation,' by the Right Hon. the Earl of Essex.

'Connexion of Sanitary Condition with Diseased Teeth,' by John Poole.

'On the Influence of House Construction, Ventilation, and Drainage, on Public Health, with some suggestions for the removal of Causes of Disease by improving Domestic Architecture,' by C. P. Pritchard.

'Notes on the Method of Heating and Ventilating large Buildings now adopted in America,' by C. Eddy.

'An Inquiry into the Comparative Health of Forge Men, with their relative duration of Life, and a further Inquiry into the effect their Habits may have upon the System,' by John Whitteron.

'Wet Nursing,' by M. A. Baines.

SANITARY CONDITION OF BRADFORD.

The proceedings of the department opened with the reading of a group of papers on the sanitary condition of Bradford. The papers on this subject by Mr. Hudson and Dr. Macturk will be found at pages 547 and 551; they were followed by a paper by

Mr. THOMAS BEAUMONT, entitled, 'Bradford; its Social and Sanitary Progress,' in which he bore additional testimony to the satisfactory working of the Factory Acts. To the limitation of labour enforced by these Acts he chiefly attributed the great social and sanitary improvement which had taken place in the town.

SANITARY REGISTRATION.

On the reading of Mr. RUMSEY's papers on Sanitary Registration, and Medico-Sanitary Police, printed at page 574, a lengthened discussion took place.

Mr. ALFRED PRICE and Mr. ALFRED ASPLAND spoke in support of the principle advanced by Mr. Rumsey. Mr. Aspland stated that in his neighbourhood great numbers of the causes of death were not certified by medical practitioners.

Dr. FARR.—I agree with much that Mr. Rumsey has advanced in his two able papers, but some of his propositions require qualification. The fundamental principle is just: a Health Officer should be appointed in every district of the kingdom. I joined Mr. Rumsey in advocating this appointment in 1838 before a Committee of the House of Commons; and all I have learnt since convinces me that such an appointment would be for the public advantage. The outline of his duties which Mr. Rumsey has now sketched is sufficient to point out the utility of the office. And sanitary reformers will concur in the opinion that the inspection of vaccination, the analysis of articles of food, the medico-legal investigations in connexion with the coroner's office, should form part of the duties of the Health Officer; who should, in truth, possess high qualifications, and, as Mr. Rumsey suggests, be adequately paid. With reference to the Registration Act, I have no doubt that a medical superintendent registrar on the spot, who possessed all the qualifications enumerated, might with advantage revise the returns of the causes of death. But here I have a remark to make. Upon the Continent the medical attendant does not generally return the cause of his patient's death. The body is by rule visited by a medical officer, who gets the best information he can

from the people about. I do not hesitate to say this system works badly. Our returns supply much better information, which is obtained in a way more in accordance with the feelings of the people. The medical attendant has lost his patient, and is called upon to assign the cause of death. He does this, in the great majority of cases, to the best of his ability. But Mr. Aspland observes some persons die without medical attendance, and many are attended by unqualified persons. Unfortunately for them this is the case; but does it render the returns 'worse than useless?' I have a table here showing that in London 97·4 per cent. of the *causes* of death are certified by the medical attendant or by the coroners. In the three months that ended on March 31st, 1858, of 125,902 deaths registered, 99,053 were certified by the medical attendant, 5016 by the coroners, leaving 7369 uncertified, because they had no legally qualified medical attendants, and 14,464 for unassigned reasons. With regard to the latter classes of cases, it is a very deplorable state of things; and I would gladly see some measure for supplying the people with medical skill to prevent disease—to prevent death—as well as to ascertain its cause. With regard to the cases (83 in 100) of which the medical attendants return the causes, I do not conceive for a moment that the information is infallibly accurate. The imperfections of medical diagnosis are known; but let me remind Mr. Aspland that if we take medical men's opinions of the nature of a disease at its beginning, its middle, and its end, that opinion is necessarily the most correct at the end; they have then had an opportunity of observing the whole course of the malady, and have sometimes an opportunity of examining the state of the organs after death. Upon this information they express in writing their opinion of the cause of death; and these opinions form the main basis of the returns which are analysed in the Registrar-General's Reports. If the deductions from these opinions are 'worse than useless,' what, I should like to know, is the value of the opinions which medical men form of the nature of the diseases that they treat in the beginning and the middle of their course? The treatment is necessarily guided by their diagnosis of the disease. Is the medical profession of England, inheriting all the traditional knowledge of past times, 'worse than useless?' Are they so much in the dark? I think not; and Mr. Aspland smiles at the absurdity of the supposition. He will, I trust, agree with me, that the diagnosis at the beginning of disease, and *à fortiori* at the end of a fatal disease, is substantially right in the majority of cases, and is sufficiently exact for use in drawing practical deductions affecting the lives, or explaining the deaths of the population. Astronomical observations are never perfectly exact; chemical experiments are only correct within certain limits; and all the business of life is transacted on information by no means perfect. So it is with medical practice; so it is with the returns of the causes of death. They must be taken for what they are worth. We are only misled by imperfect knowledge when we assume that it is perfect. The returns of each cause of death have to be studied critically. Some of the diseases of children and of old people are imperfectly discriminated; some diseases of adults are easily confounded with each other.

Other diseases are well known by the public, and are distinguished with certainty by the medical attendant. All this is borne in mind by every conscientious writer who takes the necessary trouble to understand the nature of his materials. I have only to remind you, sir, that the information which the Registrar-General's Reports supply has already been useful in a great variety of ways, and has led to many of the improvements which we have witnessed in the health of the people of this country. A tone of exaggerated depreciation of the opinions expressed by the medical attendants of the sick is mischievous and misleading. With regard to the sick who die without the attendance of qualified medical practitioners, the Health Officer might with great propriety inquire into every case.

The country is divided for registration purposes into districts, almost always conterminous with Poor Law Unions. This division was made by the Poor Law Commissioners, and is by no means perfect. It extends, however, over the whole country. The sanitary districts are comparatively few, and have often been formed on principles which are neither intelligible nor satisfactory. At present the number of conflicting subdivisions of the kingdom is most inconvenient, and the whole subject requires careful revision. The difficulties of Dr. Alfred Carpenter, Mr. Alfred Price, and others raise the question—is nothing to be left to the local inquirer? Croydon district consists of nine parishes, and of the hamlet of Penge, the Registrar-General returns the deaths in its two sub-districts, and in the district: ought he to return the particulars for each parish separately, or for such parts of the parishes as are in what is called the town? This would leave nothing for Dr. Carpenter and the inhabitants of the town to do; it would be all done for them, and paid for by the country at large. Such a pitch of centralization would be highly injurious. The expense of these local inquiries ought clearly to be borne by the inhabitants of Croydon, who are directly interested in the results. And Dr. Carpenter or a medical man living in the place can do the local work better than it can be done in London. There is not time to discuss the whole of the questions which are raised by Mr. Rumsey's paper. I conclude therefore, and while I hold that the returns of the causes of death are in their present form valuable, I shall be very glad to see them rendered more correct, and therefore more valuable. I will report the discussion which has taken place to the Registrar-General, who will, I have no doubt, give it and Mr. Rumsey's proposition to nominate a certain number of men of science, superintendent registrars, the attention which they so well deserve.

The following resolution was passed:—

That the Council be recommended to appoint a Special Committee to inquire into the existing arrangements for the registration of births and deaths and the causes of death; also respecting the non-registration of sickness treated at the cost of the community. The Committee to report on these matters to the Council, and also on the extension of the registration system to Ireland; with such recommendation as they think fit concerning new amended regulations by legislative provision or otherwise.

REGISTRATION OF COMMON LODGING-HOUSES.

On the reading of Mr. RATHBONE's paper, printed at page 596,

Dr. DUNCAN remarked that if Mr. Rathbone's views were carried out, not fewer than 15,000 to 20,000 houses would have to be registered in Liverpool, and made subject to the nightly visits of the police. With regard to the charges of neglect or mismanagement in the registration of lodging-houses, it would be sufficient to say that eleven members of the Town Council investigated the whole subject in consequence of Mr. R.'s complaints; and the unanimous report of this committee, after a most minute inquiry, was to the effect that the registration had not been neglected, and that the Health Committee had done all that their powers enabled them to do. As a proof of this, he might state that nearly 500 lodging-houses were registered in Liverpool, and that among the inmates of these houses, more than 7000 in number, in the most densely-peopled parts of the town, not a single case of fever had occurred during the year; while the rate of mortality in the entire borough had been about 27 in 1000, the mortality in the 500 registered lodging-houses had scarcely exceeded 11 in 1000.

Mr. M'GOWAN, of Liverpool, said he quite agreed with Mr. Rathbone, as to the good effected by registering the houses contemplated by the Legislature; but Mr. Rathbone was entirely mistaken in several of the statements made respecting Liverpool. There were a large number of these houses registered in that borough, nearly 500, while in the metropolitan district, about ten times the size of Liverpool, there were only some 1100 registered. He was in error in supposing that, in the metropolis, the police inspected these houses in the ordinary course of their duty, as there were some 20 men entirely set apart for this work, and not a constable in the force besides them interfered. It was a special staff for the purpose. The houses in the four streets to which Mr. Rathbone referred were such as the police in London did not register; rooms occupied by separate families, and not common lodging-houses within the meaning of the Acts. Mr. Rathbone had a crotchet on the subject, a very unreasonable one. What he wanted to have done might be judged from what he insisted upon being done in his own neighbourhood. There, in a cottage rented by a working man and his wife, the wife's brother and child occupied part of the house to help them with the rent. Nobody else lived in the place—no one but the members of that family; the brother and child were permanent lodgers—all decent people. Yet Mr. Rathbone treated this as a common lodging-house—made the people have a board stuck up outside like a sign, calling it a common lodging-house, and compelled the inmates to submit to the arbitrary visits of the police. Mr. M'Gowan ventured to consider this tyrannical. The proceeding was most unreasonable. Mr. Rathbone fancied that the law intended that every house occupied by a poor man, however respectable in his condition of life he might be, who received a lodger, though his own brother, or father, and nobody else, should be dealt with as a common lodging-house. Mr. M'Gowan said

it was plain the law never intended any such injustice; and that on Mr. Rathbone's principle, if he received a lodger in his mansion, that ought to make it a common lodging-house, unless there was to be one law for the poor man and another for the rich. It is proper for the law to insist upon all common lodging-houses being placed under control, for the sake of the unhappy creatures who resort to them, but it is also necessary to protect people who do not in any way fall within the law against magisterial oppression, however amiable the motive from which it proceeds.

SEWAGE IRRIGATION.

'Notes on Sewage Irrigation,' by the Right Hon. the Earl of Essex.

Mr. HOLLAND explained that these notes did not constitute a formal paper, but were answers which his lordship had kindly given to certain inquiries on the result of the application of the sewage of the little town of Watford, and remarked that they showed a method by which sewage might be disposed of without occasioning the annoyance and injury of mixing it with rivers and streams. They proved also that this proper course might be adopted with great profit, though it was still an undecided question the exact plan most profitable—a question which could not be settled without carefully conducted experiments on the field and on a decisive scale, as he recommended in a paper published in the *Transactions* of 1858 (page 444), and need not here repeat.

The first inquiry was what was the largest quantity of sewage per acre his lordship had found advantageous; to which he replied, that 'there seems to be no limit, provided land be sufficiently porous to allow it to permeate (I mean for grass crops). I put on my Italian rye-grass about 60,000 gallons—*i.e.*, 270 tons—per acre, after each cutting. I am now entering on my fifth cutting. No other manure has been applied, except 1½ cwt. of guano washed in after having had four enormous cuttings, from sewage only. I think it should have been applied sooner. Besides this summer watering, each acre is gone over twice or thrice during late autumn and winter, each time about the same quantity, 50,000 to 60,000 gallons—*i.e.*, 225 to 270 tons—is used. It appears then that the land receives five summer and two or three winter waterings of 50,000 or 60,000 gallons—say 250 tons per acre each—being a total of about 2000 tons an acre. This quantity of liquid is about equal to the ordinary rainfall in Hertfordshire; but so far from being injurious to the vegetation, those parts of the field which received most—namely, the furrows—had the most luxuriant crop. During the winter, from October to January, or longer, I apply it to meadows for hay, two dressings per acre, each about 50,000 gallons—*i.e.*, 225 tons. I have done this now two winters, and the increase of hay, both in quantity and quality, is most extraordinary. It seems especially to thicken the bottom wonderfully, bringing up abundance of clover.

'In 1857 I had nearly seven acres of worzel almost entirely taken by the fly, and during intensely hot and dry weather. I transplanted

five acres with the assistance of the sewage, and, although a transplanted crop, it was the largest I ever had—over 43 tons per acre. Last year, having heard it stated that sewage was not good for wheat, I marked out two adjoining acres in the centre of a field. No. 1 received 60,000 gallons—270 tons—at a cost of 15*s*. No. 2 received nothing.

				£	*s.*	*d.*
'No. 1 produced 53 bushels, worth, at 6*s*. . .				15	18	0
And straw, 5 loads, at 30*s*.				7	10	0
				23	8	0
No. 2, 44 at 6*s*.	13	4	0			
Straw, $4\frac{3}{4}$ loads	7	2	6—	20	6	6
				3	1	6
Deduct expenses of sewage				0	15	0
Profit per acre in favour of 1 dressing with sewage				£2	6	6

'In dry springs a barley or oat crop may be well saved by having sewage at command. I think my produce of cut-grass this year, when the cuttings are over and accounts made up, will not be less than 45 tons per acre. The year before last I kept thirty-four bullocks all the summer, with as much as they could eat, from seven acres. They had some cake also, and were well fattened. This year I have fourteen bullocks and eight horses consuming it. The former are fattening beautifully without any other food.

'Doubts have been raised as to the fattening properties of sewaged Italian rye-grass. I have had thirteen bullocks, two and a quarter years old, feeding entirely and solely on cut rye-grass in the yard all the summer, never having had an ounce of cake or corn since they were born, and have sold some of them for nearly 20*l*. a piece. Better or fatter beasts, full of inside fat, could not be wished for, which is proved by the eagerness of the butchers to have six which I have left.

'As to the sanitary part of the question, I can only say that neither of my men who live at and work the engine and tanks, or the two men who handle the hoses, and who smell the sewage more or less all day, have ever once complained of any bad effects whatever.

'Some people have grumbled at the smell of the sewage, but I think they are getting tired of doing so, as I took no notice of it. I believe their complaints were most frivolous, and that although the smell for a few moments may be unpleasant to very sensitive noses, it is quite innocuous. The men who manage the hoses have never from first to last found themselves incommoded in any way.'

Mr. Holland said that he could speak from very extensive observation to the correctness of this last observation. As everyone knew, a top-dressing of solid manure often remained offensive until washed into the soil by rain, sometimes the annoyance lasted for weeks; but the same quantity of manure put on the land in a liquid form sank into the soil at once, and became imperceptible, often within half-an-hour, always within a day. If the sewers which convey the sewage are

open ones, as at Edinburgh, they may be offensive permanently, unless disinfected, which may be economically accomplished, as Mr. M'Dougall's experiments on London sewage had conclusively proved.

Mr. NEWLANDS, C.E., and the Rev. Mr. HARTSHORNE objected that at Putney and at Alnwick sewage had been tried, and seemed to produce no more effect than so much water.

Dr. SOUTHWOOD SMITH remarked that all experience showed, what every one ought to have expected, that a liquid which, like sewage, contains a very small proportion of manure, must be put on in large quantities to produce a powerful manuring effect; and Mr. Holland said that, in the particular instances stated, the liquid used was very weak, and the quantity far too small. When he was at Alnwick, the greater part of the sewage was running into the river, very little of it indeed reaching the field, and producing no doubt an effect small in proportion to the smallness of its quantity. He could, however, state, as the result of his own large experiments, that equal quantities of manure produced far more effect if used in the liquid than the solid form, for the very simple reason that so used the plants got it instead of much of it 'wasting its sweetness on the desert air.'

The strength of the Watford sewage is not stated; but supposing it not to be stronger than that of London, and to contain about seven grains of ammonia per gallon, the quantity put on—namely, 400,000 to 500,000 gallons, or 1800 to 2250 tons, per acre—would not contain more real manure than 25 to 30 tons of farm-yard dung, but the effect was far more powerful.

VENTILATION.

Mr. C. EDDY's paper 'On the Method of Heating and Ventilating Large Buildings now adopted in America,' was an earnest advocacy of the method of ventilating large buildings by forcing air into them by mechanical means, to be warmed in cold weather by passing over pipes filled with hot water. This paper will be published in a separate form.

HEALTH OF FORGEMEN.

Mr. JOHN WHITTERON, Surgeon, of Lowmoor, contributed 'An Inquiry into the Comparative Health of Forge Men, with their relative duration of Life, and a further Inquiry into the effect their habits may have upon the System.' From the facts adduced, the conclusion arrived at by this paper was, that forgemen, in spite of their habits and apparently hurtful occupation as a class, were as long-lived as the out-door labourers residing in the same locality, and very much superior to the factory operatives and colliers, and that therefore it might safely be concluded that neither their habits nor occupation exposed them to any undue amount of disease, nor tended materially to shorten life.

PURE AIR.

Mr. W. T. M'GOWAN, Assistant Town Clerk of Liverpool, read a paper entitled 'The Air we Breathe: Shall Every one do as he likes with it?' which will be published in Liverpool. Mr. M'Gowan pointed out the inconsistency of taking elaborate precautions

against dangers little likely to occur, and allowing the air we must breathe to be polluted, to the imminent hazard of all, and also the practical difficulty of suppressing noxious trade nuisances, and the necessity for more summary process to compel the manufacturer to carry on his business without injury or annoyance to his neighbours. He insisted that it is impossible for large towns to be made (without rebuilding them on largely-extended areas) nearly as healthy as small ones; yet that they might be, and ought to be, rendered much more healthy than they are. He also referred to the success of sanitary improvements in Liverpool, by which the death-rate had been reduced from 38·4 per 1000 in 1846 to 29·9 in 1857, being a saving of 85 per 10,000; whilst the saving of life in the same period was in London only 16, in Glasgow 29, and in Manchester 49 per 10,000 respectively. He contended that the Corporation had not received the credit justly due for their successful exertions, and asked what more could they do than they were doing? Twenty per cent. of the cesspits had been abolished; 146 miles of sewers made; defects in the old sewers remedied; 100 miles of new streets built, all at least 30 feet wide; 257 streets paved and flagged, and the paving of old footpaths replaced with better. During last year 17 miles of sewer have been made, and a new outlet sewer, to cost 13,000*l.*, commenced; all the graveyards closed or regulated, and land for a large new cemetery purchased. On waterworks, baths, parks, and the like, the Corporation have spent 3,000,000*l.* in eleven years, and have since spent 248,000*l.*, irrespective of very large private outlay for sanitary works. Liverpool is steadily advancing in improvement, saving life at a great rate, preventing disease, alleviating suffering, and giving her inhabitants longer life, greater strength, and more uninterrupted health to follow their occupations; thus substantially promoting their happiness and prosperity.

In the debate which followed,

Dr. Farr showed that the Registrar-General's return had not been correctly represented; that credit was given in it for the improvement effected, and that it is true that, though Liverpool is much more healthy than it was, it is much less healthy than it should be, and than other places are without greater natural advantages: for example, the death-rate of Bradford was reduced to 22, while that of Liverpool continued to be 29 per 1000.

Mr. Simon pointed out that in parts of Liverpool the death-rate was very high, the cause of which should be examined.

Mr. Newland and Dr. Duncan insisted upon the great difficulties against which the authorities of Liverpool had to contend, and the success which so far had attended their efforts.

WET NURSING.

Mrs. Baines contributed a paper on the physical and moral evils resulting from the practice of wet nursing, showing the disease and early death, as well as the encouragement to immorality, produced by it. This paper has been published separately.*

* John Churchill, New Burlington Street.

SOCIAL ECONOMY.

STATISTICAL SCIENCE AND THE CENSUS.

On the Method, and the Range, of Statistical Inquiry, as applied to the Promotion of the Social Science. By J. T. DANSON, F.S.S.

IT was La Place, I believe, who first directly suggested the application to political and social science of the methods of observation, and of computation, already so successfully applied to what are termed the natural sciences.* As to the meaning of the suggestion, from such a quarter, there can be no reasonable doubt. It obviously implied an opinion, which is now far more widely prevalent than when La Place wrote, that all the real knowledge we do or can possess is obtained by the detection and development of natural laws; and that the existence and the operation of these laws are as constant and undeviating in the moral as in the physical world.

There are doubtless persons by whom the correctness of this opinion is still disputed; but, as to those of us who come here with any faith in the work of the National Association, it behoves us to observe that it lies at the root of all we are assembled here to do, or to promote the doing of. Our presence here assumes the existence, or, at the very least, the admitted possibility, of a Science of Society; and, if there be such a Science, it must consist in the knowledge of natural and invariable Social Laws. Yet it is notorious that the amplest admission of this momentous hypothesis, as yet, only brings us to the borders of a region of which it cannot indeed be said that there are no maps, but of which there are so many, equal, or nearly equal in authority, and altogether different in character, that it were perhaps better there were none. And the reason of this excess of direction, and deficiency of true guidance, is not far to seek. *Our social science is still destitute of a scientific method.* It is, in truth, not yet a science; and without such a method it cannot become one.

Then how is the want to be supplied? Is the suggestion of La Place feasible? Let us see.

In physical science, the first step towards the detection of a natural law is accurate observation of the facts or events elicited by, and marking its operation. So far we are all agreed. Nor is there much scope for

* Appliquons aux sciences politiques et morales la méthode fondée sur l'observation et sur le calcul, méthode qui nous a si bien servi dans les sciences naturelles. —*Essai Philosophique sur les Probabilités.*

difference of opinion about the next step. Having ascertained the facts, we must record them, in order that, by an accumulation of observations we may obtain a basis of induction wide enough to justify inference of the law under, or in accordance with which, the facts observed have succeeded each other.

To the due taking of these two steps it is necessary that we acquire, in some degree of perfection, two arts: (1) that of observing accurately; and (2) that of stating precisely what has been so observed. The second is as necessary as the first. For, as to each topic, what has been achieved (in observation) by one person, at one time, must be made known, as exactly as may be, and must be considered, concurrently with that which has been achieved by the same or by other persons at other times. The process involved in the practice of these two arts is precisely the same for all the sciences, commonly so called; and instances of its use will readily occur to all who are acquainted with the growth of even one or two of them. It may indeed be said that some of the sciences, inasmuch as they admit of extension by experiment, have the benefit of a method not here adverted to. But in the sense in which the term is here used, observation includes experiment: the latter only implying power to vary, more or less, at the will of the observer, the circumstances under which the observation shall be made.

The question, then, before us is—can this, or anything analogous to this, the invariable, and invariably successful, process of investigation in physical science, be applied to social or moral science? I venture to answer that it can—provided the same strictness of method be observed. And in support of this answer, I now invite your attention to what I deem the proper method and the true range of statistical investigation.

And first, to define 'statistics.' This is not needless. So far as I am aware, no definition of the term has yet been put forth with authority sufficient to command general acceptance; nor have I yet met with any that satisfies me. Were a definition sought in common usage, we might be led to infer that it signifies nothing more worthy of our attention than the art of plausibly enforcing any proposition whatever by a tabular array of figures. Turning from common to correct usage, we find it to be, practically, the art of bringing facts within the range of mathematical computation. High authorities have indeed claimed for it the rank of a science—the basis of all positive science. And, in this point of view, Quetelet, one of its most ardent and successful cultivators, claims for it the distinction of being at once the last born, and the most universally applicable, of the sciences.

What it concerns us now to observe is, that as an art—as the art of bringing facts, not immediately involving number or quantity, within the range of methods of investigation immediately applicable only to those qualities—methods invested with the highest degree of certainty known to, or even conceivable by, the human mind, it affords, or may be reasonably assumed to afford, means of obviating the difficulties which have hitherto impeded the development of the

science we are assembled here to promote; and which, if our efforts be continued, we must either place upon a positive basis or bring into unmerited contempt.

That the better alternative is open to us, though upon conditions which some may deem impracticable, and others too laborious, I anticipate no difficulty in now proving—if I can but secure your attention.

I have suggested that the methods of statistics are, simply, those necessary to bring any observed facts logically within the scope of mathematical computation. If this be so, it need scarcely be added that the most arduous and important labour of the true statist precedes his use of figures. He has to bring all the facts presented to him, whatever they may be, touching any given topic, properly within the category of number, or of quantity. It is said that many of the facts encountered by the student of social phenomena cannot, from their very nature, be thus reduced to lines or figures. This objection I will deal with presently. Let us first obtain a clear view of the proposed method. This done, we may more fitly consider to what, and how far, it is applicable.

Having ascertained a single fact, and determined the category into which it falls, we have arrived at unity. But we cannot add a second fact, so as to call in the agency of number, even in its lowest stage, until the like accordance of such second fact with the conditions of the category be also ascertained. Here lies the real labour of the statist who truly meets the conditions of his art. It is a labour of definition and analysis. To call a spade a spade, distinctively, we must first distinguish it from a shovel. We must define. Then, when counting spades we must not include shovels. We must analyse. The enumeration at which we aim, to be legitimate, to be otherwise than deceptive, must be of true units—of facts which, in reference to the quality enumerated, are identical. To this end the basis of identity must be clearly described, and its existence ascertained. In other words, by due preliminary definition our figures become intelligible. That is the first requisite. By observance of our definitions, we secure a second requisite, precision. A common example will show this: let the object be to make known how many persons, among those inhabiting a given locality, have, within a given period, been convicted of a given crime. Here the definitions required are (1) of the locality; (2) of what shall be deemed habitation within it; (3) of the period; (4) of the process of conviction; and (5) of the crime. Each person enumerated must fall within all five.

But to be intelligible and precise is not all that is required. Our statistics must also be full. They must embrace all the particulars requisite to complete the proof or statement intended. In the example given I have assumed that the convictions in question shall be those taking place among the inhabitants of a given locality. Now, the very first use, in argument, of any number thus elicited, may raise the question—what, at the same period, was the number of such inhabitants? Want of this information may bar the application of

what is given. Regard to fulness, or completeness, therefore, counsels the addition of such information.

Finally, every statistical statement should be accompanied by sufficient means of verification. Though personal authority cannot here be said to have no place, its proper limits must always be narrow, and should always be clearly marked, and observed. To ask, or to place, no reliance upon the statistical statements of those who have proved their fitness to be so trusted, would be to deprive such statements of a great part of their value. They would cease to economize the labour of future inquirers. To verify figures, we must at least know by what process, and whence, they were obtained. Though all figures may not require to be verified, all should be capable of submission to that test. And the absence of means of such verification may be reasonably accepted as evidence that the figures so presented are not entirely trustworthy. The reason is obvious. An unsound conclusion is readily detected. Confronted with its premises, it escapes only by a lack of logical acumen in those to whom it is presented. But a false statement of facts—especially when veiled by the transition from the concrete to the abstract implied in a purely statistical statement—may pass muster under any examination, short of a direct comparison of the figures with the facts they are put forward to represent.

Every statistical statement, then, to comply with the conditions of the art of which it professes to be an example, must be *intelligible*, *precise*, *full*, and *susceptible of verification*. What shall, as to each of these qualities, be deemed a sufficient compliance with the necessities of each occasion, must, in the present state of the science, be left much to the discretion of each framer of such statements. But, within the limits of an honest endeavour to do what is right, this discretion carries with it no great risk. To those who take the trouble to examine what is presented to them, it will never be very difficult to ascertain in what degree the author of any really trustworthy statistical statement has recognised and complied with these requirements. If not recognised, they will seldom, if ever, be properly complied with; and if recognised, and honestly complied with, the degree of compliance will be readily discovered.

Such I conceive to be the true method of statistical investigation.

Now let us consider its fitness to place our social inquiries on a positive basis. It will be observed that the method itself is precisely the same as that which has founded all the established sciences. But, by way of evidence of its unfitness to do as much for the so-called moral and political sciences, we are told that the statist can deal with a few only of the facts presented to the investigation of the student of social phenomena. Let us see what this objection amounts to. It is true that we can deal only with facts which, (1) have been clearly ascertained, (2) are capable of being grouped on some common ground of identity, and (3) are capable of being numbered. It is true, also, that such facts are, in social economy, not yet very numerous. But our conditions are, we affirm, the necessary conditions of every scientific

method. And the paucity of the facts yet fairly within our reach in no way impeaches the method we recommend. All scientific investigation, worthy of the name, has three prime conditions—positive data, a positive method, and positive results. Now, it is the method alone, be it remembered, that we undertake to supply. Give us the data, and we will ensure the results.

But it is objected that we require extraordinary precision in our data —a degree of precision to which the facts on which a large portion of the social science must needs rest cannot be reduced. It is true that we require precision where it is not usually found, and require it in a degree analogous to that called for in laying the foundations of what are termed the natural sciences. But we also affirm that upon any foundation less secure no science whatever can be erected. You offer us what are called facts. We require that they be susceptible of being defined, ascertained, and analysed. If so susceptible, they may be thrown into groups, enumerated, and submitted to that collective investigation which is the office of the statist. If not so susceptible, we deny that they can be generalized at all; and affirm that they are, therefore, to science, worthless. Between the facts and the law they indicate lies absolute need for one process—due co-ordination of the facts. It is this co-ordination alone that our method pretends to supply. If the facts are fit for this process, then is the method efficiently applicable, and a scientific result is possible: otherwise not.

To say, then, that there are facts with which the statist cannot deal, is to say that there are facts which cannot be duly ascertained, defined, and grouped. And, allowing for a somewhat lax use of the term 'facts,' this is true enough. But it proves anything rather than that the statistical method of dealing with facts is defective.

We all know that every instrument has its fit use, and that to reap the utility we must respect the use. The use of a loom is to weave thread into cloth. But if wool be abundant, yet there be no thread, and so no cloth, we do not find fault with the loom. Nor can we justly depreciate the statistical method of inquiry on the ground that there are facts—many or few—not yet, by due observation and analysis, reduced to the degree of certainty under which alone, that or any really scientific method can be legitimately applied.

The true meaning of this objection—that which, whenever made, it really signifies—is not that the statistical method is defective, but that it is *not known*. And here I may fitly observe that to its becoming known a great obstacle has of late arisen from its misuse. The method has been discredited. Sound statistics commonly involve severe labour; and when unsound, and so framed with ease, they are, to most observers, equally imposing. Hence they commonly are unsound; and are deservedly distrusted. The remedy for this must, I fear, be very slow; for it can come only through a better knowledge of the method itself, of its requirements, and of its legitimate results. Such knowledge will engender a determination to exact due compliance with the conditions of the art, before acceptance of its pretended fruits. And, for either readily acquiring or willingly impart-

ing such knowledge, we can rely only on the more intelligent, earnest, and single-minded of the students of the Social Science. From the so-called 'practical' men we can look for little aid for a long time to come. They are, and always will be, more disposed to reject than to reform anything once marked as defective. They demand immediate results, and would rather be led astray plausibly than put through a laborious path to the truth. They want a mode of finding out truth by which they may discover it quickly, agree presently with their neighbours upon it, and apply it in their own time. Show them earnest efforts, and assure them of good intentions, and they are far too willing to dispense with the strict and patient research without which all advance, however earnest or well meant, is but stumbling in the dark. It is a pity it is so. But it cannot be helped. Things must be known before they can be rationally dealt with. Every problem must be solved under its own conditions. And if there be, as I believe there is, in this Social Science a great deal of hard labour not yet done, lying between us and much of the fruit we are eagerly grasping at, even to-day, it is as well, nay better, that we should know it—know it, and consider whether we shall now go steadily through this labour, or shall first augment by trying to evade it.

What Information, as to the Social Condition of England and Wales, would it be most desirable to Collect at the Census of 1861? *By* Horace Mann.

As the next decennial census will not probably be taken till the spring of 1861, it may seem somewhat premature to invite a present discussion on the subject. But as the Act of Parliament must be passed in the course of next session, it will be seen that this is the only occasion available for the consideration of the question by the members of the Social Science Association.

That this Association should be invited to consider such a subject will probably appear both natural and desirable, when it is recollected how important, to the attainment of sound doctrines upon any branch of social science, must be the possession of a body of facts sufficiently large to warrant satisfactory inductions. In the absence of such precise information it not unfrequently happens that assumptions are made which, upon subsequent investigation, are found to be not merely erroneous but almost ridiculous.

Perhaps no opportunity is ever presented so favourable to an extensive collection of facts upon many points of social importance as that which is afforded by the decennial census. The necessary existence, for the purpose of enumerating the population of an elaborate machinery covering every portion of the land and penetrating to every individual tenement, suggests of itself the desirableness of making as much use as possible of so costly and complete an apparatus

during the short period of its operation. As it will be absolutely essential, even for the most restricted census, to call into activity an army of nearly thirty thousand enumerators, and to send them on a peaceful invasion of every domicile in England and Wales, it is but the truest economy to try and make them as serviceable as possible during the continuance of their enlistment. The chief expense in all statistical inquiries is incurred for the delivery and collection of forms; but when the thirty thousand officers must needs visit every house it can cost no more to deliver and collect several forms than one. It is clearly, therefore, the interest of the State to obtain as much information as possible through an instrumentality which is singularly perfect while it lasts, but which, when dissolved, cannot be renewed until ten long years have passed away.

But the State is a very incorporeal affair; and its interests in this matter are likely to be overlooked if the decision be left to the unstimulated attention of its official representatives. Neither the Home Secretary nor the draughtsman of Parliamentary Bills can be expected of their own accord to bestow great care upon a matter as to which it is so easy to follow precedent. More is to be hoped for from the Registrar-General, who is now *ex-officio* the census-taker for England and Wales; but even he would probably be glad to be guided in some measure as to his suggestions by the previous deliberations of an Association like this, specially interested in the results to be obtained.

The question, therefore, which I now raise for discussion is—assuming that the range of inquiry at the next census will be as extensive as the magnitude of its machinery will warrant, and at least not less extensive than that covered in 1851—what are the facts of our social condition which are most deserving of elucidation?

In 1851, the census was divided into two considerable portions, viz., the compulsory and the voluntary—the compulsory portion comprising an enumeration of persons and houses, and an account of the age, sex, relationship, civil or matrimonial condition, occupation, and birth-place of all the inhabitants; and the voluntary portion consisting of an elaborate inquiry as to the then existing provision for education and religious worship, and the extent to which that provision was made use of.

Dr. Farr, who took a very considerable part in the last census, and whose competence to express a judgment on the question cannot be disputed, assures me that none of the particulars included in the compulsory schedule can be dispensed with on this occasion without sacrificing very important advantages which would be gained by a comparison of the facts gathered at the two censuses as to each of these particulars. This schedule (which is probably familiar to most persons of mature age) was in the form annexed. I was myself inclined to think that, as to one or two of these particulars (more especially that of the birthplaces of the population) the comparison might, without loss, take place at the end of twenty years instead of ten, thus leaving a vacant column which might be made available for some wholly new information.

LIST OF THE MEMBERS OF THIS FAMILY, OF VISITORS, AND OF SERVANTS, WHO SLEPT OR ABODE IN THIS HOUSE ON THE NIGHT OF SUNDAY, MARCH 30TH.

	NAME AND SURNAME.	RELATION TO HEAD OF FAMILY.	CONDITION.	SEX.	AGE [Last Birthday].	RANK, PROFESSION, OR OCCUPATION.	WHERE BORN.	IF DEAF-AND-DUMB, OR BLIND.
	No Person absent on the Night of March 30th to be entered. Write after the Name of the Head of the Family, the Names of his Wife, Children, and others of the same Surname, then Visitors, Servants, &c.	State whether Wife, Son, Daughter, or other Relative, Visitor, or Servant.	Write 'Married,' 'Widower,' 'Widow,' or 'Unmarried,' against the Names of all Persons except Young Children.	Write 'M' against Males, and 'F' against Females.	For Infants under One Year, state the Age in Months, writing 'Under 1 Month,' '1 Month,' '2 Months,' &c.	(Before filling in this Column, you are requested to read the Instructions on the other side.)	Opposite the Names of those born in England, write the County, and Town or Parish. If born in Scotland, Ireland, the British Colonies, the East Indies, or in Foreign Parts, state the Country; in the last case, if a British Subject, add 'British Subject.'	Write 'Deaf-and-Dumb,' or 'Blind,' opposite the Name of the Person.
1								
2								
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4								
5								
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7								
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12								
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14								
15								

The foregoing is a true Return concerning all the Members of this Family. Witness my Hand,

Assuming that the headings of the schedule used at the last census will be all, or nearly all, retained, the question is—what additional columns may be advantageously introduced? In considering this it must be remembered that, as this schedule asks questions about every individual in the land, the undue multiplication of such questions, or their want of simplicity, would tend to prevent the attainment of the object desired, and even risk the success of the other portions of the census.

I have no suggestions of my own to offer as to the contents of this form. I can merely just mention, for the purpose of inviting discussion, such as have happened to attract my notice. For instance—

(1.) It has been proposed that every person should be asked to state the religious sect to which he belongs. This is proposed as the best means of obtaining a complete religious census; but I have not the slightest doubt that such a mode would be universally condemned as most objectionable. It is one thing to take notice of a man's public acts, by which he openly proclaims his adherence to a particular communion; it is quite another thing to demand from him his religious opinions, which he may choose to keep to himself.

(2.) It has been suggested that an attempt should be made to ascertain the extent of orphanage throughout the country. As to this, it is obvious that we should want some precise definition, to be well understood by those who would fill up the schedules, of what it is that constitutes an orphan. Is it the loss of one parent or of both? And at what age does a person whose parents are dead cease to be an orphan?

(3.) A third suggestion is that all persons should be required to state whether they had been vaccinated for the small-pox.

(4.) A fourth question proposed for this schedule has for its object to ascertain the average amount of sickness experienced by each individual. For this purpose it is proposed that the column headed 'if blind, or deaf and dumb,' should be used, the altered heading then being, 'if deaf and dumb, blind, infirm, or sick,' and the instruction being to write the name of the infirmity or sickness, when known, opposite the name of the individual. It is not suggested that any definition of sickness should be given, but that it should be left to the people themselves to define it; and it is supposed that the aggregate result of their answers would show the amount of sickness existing in the popular sense of the word, and that this would suffice for purposes of comparison.

These are not by any means all the suggestions which have been offered, but all that I have at present within my recollection as being applicable to a schedule which is to put questions respecting the whole community. And I merely allude to these in order that they may be placed before the meeting for discussion, should they recommend themselves to any one for advocacy.

There is another and very important proposal (having in its favour the weighty recommendation of Dr. Farr) which, if desirable on other grounds, might either be carried out by means of this householder's

schedule, or by separate schedules addressed to particular parties. It is a proposal for an *industrial* census, involving an inquiry as to the different rates of wages prevailing in different trades, occupations, and localities throughout the country. As this proposal will, I believe, be more especially dwelt upon in a succeeding paper, I will only express my opinion that, if such an investigation should be thought to be feasible, it would be much better that it should be pursued independently of the householder's schedule, by means of separate queries addressed to such a portion of the employers and workmen as would be sufficient to yield adequate results. Questions about wages when put by Government authority are not unlikely to be regarded with suspicion by the ignorant; and it would be unadvisable to run the risk of creating the least hostility against the form intended for universal distribution. For the same reason, I think that such an inquiry should be purely voluntary.

A similar objection to that just mentioned ought, I conceive, to prevail against mixing up with the census any plan for collecting agricultural statistics. Without underrating the importance of such information, it seems to be a sufficient reason for not attempting to collect it through this particular agency, that the inquiry is undoubtedly to some extent distasteful to those who would have to furnish the facts, and that, therefore, there would be some danger of rendering the rest of the census unpopular for the sake of an object which could probably be quite as well attained by a distinct effort at another time.

There is next the question of another educational census. It will probably be remembered that the census of 1851 included an enumeration of all the day schools and Sunday schools throughout the country, and of the scholars attending them. It may be a question whether it will be necessary or advisable to repeat such an investigation. The accuracy of the results then obtained has been amply proved by many local inquiries which have since been instituted by various independent bodies, and more especially by the extensive enumeration recently made by the National Society. A fresh inquiry, therefore, is not necessary because of any imagined deficiencies in the former census. A reasonable demand may, however, be made for the means of comparing our educational position, as correctly shown by that census, with the position to which we have now attained, or to which we shall have attained in 1861. Upon this point it would be wise to consider whether a means of comparison, adequate, if not complete, is likely to be furnished by the results of the labours of the existing Education Commission. The facts already collected by this Commission relate to the year 1858, and refer to upwards of 14,000 schools of all classes, situated within ten districts, containing, in 1851, a population of 1,100,000. In these ten districts the inquiry, conducted by ten assistant commissioners and their clerks, has been minute and exhaustive; and as these districts were selected expressly on account of their representative character, it was presumed that the results obtained respecting them would afford a fair criterion by

which to estimate the state of things as to England and Wales in the aggregate. In addition to the information to be gathered from this actual, though partial census, the Commissioners propose to procure returns from all the great central educational societies (including the National Society, which promises particulars respecting 24,808 Church of England week-day schools). Their Report is also to embrace 'an account of the existing condition and past history of public education in England,' derived from such authorities as Acts of Parliament; the Reports of the Committee of Council, returns from the Charity Commissioners, and sundry minor sources of intelligence. The question then (which I by no means wish to answer, but merely to raise for discussion) is, whether the information to be thus made public in the course of next year or the year following will be sufficiently full, recent, and reliable, to render a new general census of education at the present time superfluous, and to make it advisable to postpone till ten years hence another inquiry as extensive as that of 1851.

If it were determined to omit education from the ensuing census, I would suggest that an effort might be made to obtain a complete statistical account of all the charitable and beneficent institutions and societies throughout the country, from the largest hospital or missionary society to the smallest clothing club or lending library. I am not aware that any attempt has hitherto been made to place before the public even an estimate, much less a full statement, of the vast aggregate of benevolent exertion put forth by the English people. Of the fact itself there exists no doubt. It is too prominent to escape the observation even of our foreign visitors. M. Guizot, I think, somewhere records the profound impression made upon his mind by this aspect of our social condition, stating, that nothing in all England so struck him as the continual presentation, both to eye and ear, of the sentence—'Supported by voluntary contributions'—a sentence which might well, he thought, be taken as a national motto, and inscribed on all our institutions. But we have no means, at present, of measuring the actual extent of the operations of this pervading spirit of private benevolence and Christian effort. Mr. Low has given a valuable account of the most prominent charities of London; the Statistical Society has recently published a good statement of the medical charities of the metropolis; and the Charity Commission has probably the means of giving the public, some day or other, full information as to the educational endowments of the whole of England and Wales; but I think it must be felt that what we know is but little compared with what we don't know, and that no proper conception can be formed of the real magnitude of our benevolent undertakings without an enumeration of the multitude of small associations, established for a multitude of objects, scattered over the whole face of the country, and connected with every parish and every congregation in the land.

It would be premature to discuss the details either of the information to be asked for, or of the machinery to be used for obtaining it; but I have no doubt that, partly through the direct agency of the

enumerators, and partly through the assistance (voluntarily given) of the clergy and ministers of congregations, the Registrar-General would acquire a tolerably complete account of the number and character of such societies—the number of persons engaged, gratuitously or otherwise, in works of benevolence—the number of persons benefited or acted upon, and the amount of money raised. And I cannot help thinking that the view to be thus presented of the 'self-imposed taxation,' for benevolent objects, of the English people, would be not only of very great interest but also of very great utility.

The only other point to which my time will allow me to refer is the census of religious worship. Shall a fresh inquiry upon this subject form part of the approaching census?

I am inclined to think that a rather urgent demand is likely to be made from all parties for the repetition of this investigation. The misconceptions which existed in 1851 have probably been long since cleared away; and there is no reason now to apprehend from any quarter hostility to the collection of information so useful to every portion of the Christian Church. And the practicability, no less than the usefulness, of such an inquiry has been amply demonstrated. The substantial, I might almost say the minute, accuracy of the last census of religious worship has been proved by whatever subsequent enumerations have been made; and there is therefore no doubt that similar information could be obtained in 1861 with a much smaller amount of labour than that which the misconceptions referred to rendered necessary on the last occasion. There are obvious reasons, too, why it is desirable to possess the means of comparing 1861 with 1851 with reference to the state of our religious institutions at these periods respectively. It cannot but be a question of the very highest interest whether the facilities for religious teaching throughout the land are in the aggregate increasing or diminishing in proportion to the growth of population; nor is it unimportant, quite apart from any feelings of sectarian rivalry, to possess information as to the comparative rates of progress in the different religious communions. It is only by the possession of such knowledge that the different sections of the church can become aware of their respective positions in relation to the aggregate work; and they are thus stirred up to increase their efforts in a degree commensurate with the demands upon them. It is notorious also that the last few years have been distinguished by an unusual movement in the public mind in connexion with religious matters; an agitation which is increasing rather than diminishing at the present time, and which, by the time when the next census will be taken, must probably have produced no inconsiderable effect upon the permanent organizations for religious worship and instruction.

The prescribed limits as to time will not permit me even to allude to several other points which will doubtless occur to the minds of many persons present. In deference to those limits I have been obliged to confine my observations strictly to England and Wales, to

omit much that is important even as to that portion of the kingdom (which I trust, nevertheless, will not escape notice), and to content myself with an endeavour to place before the meeting such a bare outline of the subject as may serve to elicit further suggestion and debate.

LABOUR AND CAPITAL—STRIKES.

The Theory and Tendency of Strikes. *By* HENRY FAWCETT, M.A., *Trinity Hall, Cambridge.*

THE members of this Association have been asked to gather all the facts which relate to strikes, trades unions, &c. In this manner it is supposed that the causes of strikes will be explained, and their prevention suggested. But social science requires the same mode of investigation as physical science. Deductive principles are necessary to explain the observations of physical science, to connect them one with another, and to bring out their relative importance. Similarly, unless some theory of strikes is applied to our facts, our conclusions must be vague and empirical. It therefore becomes necessary to consider the political economy of strikes.

This paper will consider the following topics:—

First. The causes of strikes, which will afford a clue to the frequency of strikes at the present time.

Second. The loss and gain to the labourer by strikes.

Third. Strikes indicate a movement towards social arrangements different from those existing at the present time.

Personal recriminations can avail nothing. To bandy accusations from masters to men will not get rid of the great fact that 12,000 men can combine. In order to gain an object, they use the most perfect system of political organization; they act with mutual forbearance, they have recognised leaders, who make speeches, often showing a great power of reasoning; the provinces are visited by deputations, and the movement is supported by subscriptions throughout the length and breadth of the land. An agitation organized in the same way destroyed a gigantic monopoly; and when the working classes similarly combine, the attention of all thoughtful men should be aroused; for the existence of a power is unmistakeably indicated, which can become a mighty engine either of evil or of good.

The increased opportunities for mental improvement possessed by our artisan population form a striking feature of the day. Railways, cheap literature, cheap reading-rooms, and cheap newspapers, have all tended to produce a wondrous change. At one time excluded as an inferior caste from political power, the working classes were the helpless victims of unjust laws and of oppressive taxation. Now

they begin to be looked upon as a great power in the State, and are appealed to as such. What more natural than at the first awakening into this higher existence, there should be a reaction, indicated by an eagerness to combine for any objects upon which they have set their hearts?

Thus the agricultural labourers are still in their former low state of intelligence, and they seem powerless to form a combination. The subject of strikes is often despatched off-hand by a sneer at the folly of obtaining ten hours' wages for nine hours' work. But it seems to be forgotten that protective duties, bounties on exports, and penalties on imports, have been upheld.

When political economy is applied to any practical question, a serious error is committed by the omission of a proper mode of expression. The laws of political economy require time for their complete operation, and political economy in the same way as physical science often only investigates and affirms tendencies. Thus let us consider that most important case of value deduced from the theory of rent. It is often said that the value of agricultural produce is such as will return the ordinary rate of profit to the worst land in cultivation, such land paying no rent. But it should be, the value of agricultural produce has a constant tendency to approach that point where the ordinary rate of profit is returned to this worst land. Again, competition causes capital in different employments to obtain a common rate of profit. But it ought to be, that competition exerts a constant tendency to give capital this common rate of profit. Let us now carry these considerations to the law of wages. The capital of a country is the produce which has been saved to aid future production; and the wage fund of a country is that portion of its capital which is applied to remunerate labour. This wage fund has to be distributed amongst the whole labouring population, and therefore money wages depend directly upon the capital of a country, and inversely upon the number of the labourers. We are thus able to determine the aggregate wages of the country; but wages are composed of two elements, the amount which is received and the quantity of labour which is given. We have only considered the first; what is the law which determines the second, or in other words the number of hours the labourer shall work? The amount of capital which is saved varies with the rate of profit; what determines this rate of profit? Manifestly the wages that are paid, and the quantity of labour which is given for these wages.

Now, suppose the whole of the labouring population determined to work five days in the week instead of six, what would be the consequence? They would diminish the average rate of profit throughout the country. This would induce a smaller amount of capital to be saved next year, consequently there would be a smaller wage fund, and therefore less wages to be received by the labourers. Hence it is quite impossible for the labourers as a body to receive the same wages for less work, unless something should happen, as improvements in

production, to increase the productiveness of their labour. But for our purpose it is most important to inquire what determines the portions of the wage fund to be received by the various sections of the labouring class. The law of this apportionment is somewhat complicated, although there are general tendencies which can be simply stated. First, there is a tendency which acts with increasing force as civilization advances towards an ultimate equalization of wages; and there is a secondary tendency whose action is more immediate—namely, that wages must constantly tend to be such in each employment that profits should not be larger in one employment than in others, because the competition of commerce has a tendency to reduce profits to a common rate. Wages always have a tendency to approach this position of stable equilibrium. Just in the same way the planets are said to move in ellipses, and by supposing that they do so move, many important truths can be brought out cleared from obscuring complications; but the planets are disturbed by an infinity of causes, and we have to seek the explanation of many important phenomena entirely amongst these disturbances. Similarly, strikes must be considered connected with those causes which disturb wages from their natural rate. These disturbances I would divide into two classes—first, those which act permanently; secondly, those of a temporary nature. Thus, after taking into account all compensating circumstances, wages are lower in some employments than in others, for instance, in agriculture. There must be some cause to produce such a disturbance. In the case of the agricultural labourer, amongst other causes, we may place his low intelligence and that law of settlement which has to a great extent confined him to one district. Suppose the agricultural labourers had sufficient intelligence to combine, they would at once obtain a rise in their wages; if not, the farmers would have to take labourers from other employments, pay them the increased wages, and have less efficient labour, for of course the agricultural labourer would throw himself as a competitor into the better paid employments. This, therefore, I conceive to be the first undoubted tendency of strikes, that without increasing the general wage fund, they tend to equalize wages throughout the country. I ought to mention that the farmers could not ultimately suffer any loss from this rise in wages. I will now consider disturbances of the second kind, and will suppose that a temporary cause temporarily raises the profits of some employment above the common rate. I will take, as an example, a higher class of labourers—the builders' operatives. To avoid any possibility of mistake, let me again repeat that profits in one business cannot be permanently higher than in others. Suppose the building trade has been steady, builders are receiving just such prices and paying just such wages as will give them the ordinary rate of profit. The trade suddenly improves, and their profits increase. I will, in the first place, consider what will take place if the building operative is a single individual, with no power of combining with his fellow-workman. He might go to his master and say—

'Your trade is better; I expect a rise of wages.' The master would very naturally refuse it. He would know that this workman, John Smith, must have work somewhere or other, that it would be a great loss to John Smith to enter upon some employment new to him, and therefore the builder need not raise his wages until the largeness of his profits should attract new competitors with capital into the building trade, and this is always a work of some time. But suppose this John Smith, sacrificing his individual character, combined with every other workman in the trade, and that the combination could live without work for months, what would then take place? The masters surely would not refuse a rise of wages which now they could afford to pay; for even if they opened their establishments with new hands, they would still virtually have to raise their wages, because the same wages would have to be paid to less efficient labour. I believe, therefore, that strikes have this undoubted tendency, that they tend to equalize wages in different employments, and that they at once secure to the labourer a share of every improvement in his master's returns—in fact, by compulsion, the labourer would become a partner with his employer. Thus we have often heard that some branch of trade during two or three years has been so good that almost every one engaged in it has realized a fortune, and yet the labourers of the trade have received no corresponding advantage. With the power of strike this could not be; the labourers must share the extra gains their masters were obtaining. I wish carefully to avoid entering into the merits of any one dispute. Strikes may be improperly conducted, and have their corresponding disadvantages. Thus nothing can be more indefensible than that individuals should be subjected to personal inconvenience for refusing to join a combination; and still more injurious is the declaration that the skilled and unskilled workman shall receive the same remuneration. Strikes may also take place when there are no increased profits from which to claim a rise of wages. In such a case the employer and the employed must both be injured. But the disastrous consequences to the labourer of every such error will be a guarantee against its recurrence.

The movement has begun; it can be directed, but cannot be checked, and will extend to every section of the labouring population. When all classes of labourers have shown themselves ready to strike, in order to obtain some share of their employers' extra profits, strikes would become less frequent; for they, like so many other agencies, when once generally recognised, will exert their influence potentially. In this manner competition affects prices. Thus, when anything occurs to reduce the price of a commodity, its price is reduced, not because some other producer actually brings the commodity at a cheaper rate into the market, but because it is known that if its price were not reduced, the competition of commerce would inevitably bring the commodity into the market at a cheaper rate. In the same way, when combinations of labourers are greatly extended, it will be for the interest of the employer at once to give to his labourer

a share of his extra profits, instead of in the first place refusing, and then finally being compelled to do the same thing, after suffering the inconvenience of a strike; and thus the labourer, having before been compulsorily accepted as a partner, would now be voluntarily accepted. I thus conceive that strikes in themselves are utterly powerless to alter that natural rate of wages, towards which wages must have a constant tendency to approach. But strikes can exert an influence in the mode of distribution of this wage fund, by equalizing the rate of wages in different employments; and strikes also secure to the labourer the certainty of being benefited by any disturbing cause which should temporarily raise the profits of an employment above the ordinary rate. When these collisions between employers and employed are traced to the growing intelligence of the labouring population, many philanthropists are deeply distressed. Here, they say, are the first sad fruits of an agency which we had hoped would ameliorate the lot of mankind. But there is no cause for despondency—all that is taking place might have been foreseen. There are those who cherish the traditions of the past, and hope to revive feelings of dependence between the employers and employed; but this cannot be. Such sentiments belong to an age when a lord could have his vassals, and a chief could have his clan. However much an amiable sentimentality would prompt us to think otherwise, the interests of the employers and employed are as directly opposed as are the interests of the buyer and seller; and therefore the labourers will inevitably use the power given to them by their increased intelligence to wrest every possible and legitimate advantage from their employers for themselves; and thus the whole community is divided into two great opposing interests. I confess this is a most unsatisfactory prospect to contemplate; but it is no use either to regret or to blame—for with our present social arrangements, this is the undoubted tendency of the age. We must look for hope, not in an attempt to stem a resistless movement, but must consider whether our present social arrangements are satisfactory, and if these were changed, whether a better state of things would not result. Many able writers have remarked that the English are apt to forget that there can be any other social arrangement than employers and the employed, who are simply hired labourers. Manifestly, such a division is not in itself desirable, for can there be anything more unfortunate or more sorrowful to contemplate, than that masses of intelligent beings from childhood to old age should toil in a work in which they have no interest, and that between themselves and those for whom they toil the attachment should be no more than that between a buyer and seller? Philanthropists have always been sorrowing over this as a painful necessity, but it appears to me that strikes must be an agency towards an ameliorating change. For when the power of combination has generally extended, employers will, as I have before observed, voluntarily receive their labourers as partners; because employers would be always liable to strikes as long as no

identity of interests exists between themselves and those whom they employ. Such voluntary partnerships have already been tried in France and also in England—as, for instance, at Rochdale and Leeds*—with the most eminent success. The employers have been amply recompensed by the increased zeal of the labourers; and one moment's consideration will show that such a partnership will naturally lead to a co-operation of labour and capital, the most powerful instrument of social amelioration.

Facts and Inferences relating to the West Yorkshire Coal Strike, from February to December, 1858. *By* JOHN HOLMES, *Leeds.*

THERE needs no apology for an attentive consideration of the relations of capital and labour. Perhaps there would be really little difference upon the best mode of working these relations, if each party stood upon the same point of sight. The truth, however, is, the self-interest and self-advantage of capitalist and workman are at present antagonistic, and each so prefers his own, and so looks upon the necessary phenomena with tinged vision, that it would seem (listening to each) as though there was no right or rule possible in their regulations. Hence the desirableness of bringing the facts of such working before an impartial, inquiring, and intelligent audience, who, classifying the facts from time to time, and sifting inferences derived thus, may in the end so conclude and so publish their judgments as to create a better knowledge and a more equitable arrangement of working. In this way only can we see the cessation of those periodical contentions, or strikes, which seem to be now a growing feature of the age, and which all must deem to be most injurious.

The coal trade seems to be particularly subject to contentions betwixt masters and men, and it will be clear as a general fact, that for these differences there must be some substantial cause existing to originate the strikes. The cause we believe can only be got at by a correct study of the phenomena or events developed in the contentions, and having as a disinterested spectator observed, and having been active in endeavouring to relieve some of the painful features, and to close this strike, I venture to place before this Association the results of some considerable experience, as a contribution towards a more correct estimation of these periodical and extending phenomena.

From 1844 to 1853 the coal trade was in complete repose as to the wage question. A severe and almost general strike, in which an advance of wage was sought, ended in 1844 against the men, who

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* See a Paper read by Mr. John Holmes, of Leeds, before the Association in 1857.

from that time up to 1853 could by average working earn from 3*s.* to 4*s.* per day; and as far as I can learn, not averaging more than 3*s.* 6*d.* for ten hours' work. In 1853 the masters of the Leeds district formed an union for the purpose of 'protecting their capital,' and it is well worthy of observation, that coal rose in price rapidly during that year, so that from 1852 up to its highest in 1854, the advance was from 5*s.* to 8*s.* 9*d.* per ton at the pit's mouth, for the best qualities, and the lower coal in a much higher ratio. In 1853-4, corn was very high, and the men on representation, without any strike, obtained an advance of wages twice, of altogether from 25 to 30 per cent. Subsequent tables will show that while coal rose from 3*s.* 9*d.* and upwards per ton, wage was advanced from 8¾*d.* in 1852 to 11*d.* per ton in 1854.

From 1854 to 1858 there was no general alteration in wage, but best coal had declined from 8*s.* 9*d.* to 7*s.* 6*d.* cash, at the pit. To place the facts in order, we will now sketch slightly some of the principal events of the strike in the date of occurrence, premising that the Coal Masters' Union resolved to reduce wages in consequence of a reduction in the price of coal. February 19th, 1858, Messrs. Kirby, Fenton & Co., Waterloo, gave a three days' notice for the men to leave their employ according to bye-law, rule 6th, and 'to deliver up house and garden, with appurtenances, within one week from the date, or proceedings of ejectment will be taken.'* This was the first notice to the miners of a reduction in wages, and the men resisting left the pit and their houses, almost *en masse*, peaceably; and were supported by levy upon the pits around, by general agreement of the men.

March 13.—The master colliers, upon the following resolution, 'that 15 per cent. reduction take place in the wages of the men employed in and about the collieries, and that the masters whose men are at the 15 per cent. reduction shall pay to those masters who are on strike the 15 per cent. taken from the men working,' gave the following notice: 'We hereby give you notice that on and after the 3rd day of April next it is our intention to reduce the wages 15 per cent. upon the present rate; should you intend to leave our employ, we shall require the usual 14 days' notice.' These resolutions were passed at a meeting held at the White Horse Hotel, Leeds. Upon the receipt of this notice, the men met to consider what should be done, when first resolving to resist this reduction, which they knew was preliminary to further demands, they appointed delegates, two from each pit, to draw up resolutions for united action.

March 22.—A general meeting of miners was called at Rothwell Haigh, to receive the report of the delegates, when it was resolved, there being no union previously, to form an union for self-defence, fix rules, and make a levy to raise funds for their own support.

April 3.—By agreement of the Miners' Union, the men at the

* It should be understood that all quotations are verbatim from official documents in the writer's possession, and for production, if questioned.

following pits were 'set down,' viz.: Messrs. Fenton's, Waterloo; Messrs. Lassey and Wilcock, Leeds; Messrs. Papes, Whitwood, and Carter's, at Allerton. The delegates selected these firms as either being offensive, or thinking to succeed best with them. In other cases it was resolved to work on at the 15 per cent. reduction, and to pay levies of 2*s.* to 3*s.* per week as required, to keep the men out, and then take other masters in turn. The men on strike had 7*s.*, and then 6*s.* per week, and 1*s.* 6*d.* per head for children. Subsequently, in consequence of great personal provocation, Mr. B. Burnley, of Methley, was also 'set down,' so that the men on strike numbered 600, and boys and youths 200, leaving still working at reduction altogether 2400.

July 6.—Up to this time the men out seemed to fare well, some got visibly stouter, and the funds rather increased. It was intimated to the men their employers wished to see them, and a deputation of delegates accordingly went to the White Horse, and were asked if they had anything to propose. Having nothing but the old scale, they were dismissed without any proposition being made to them. One of the men had to pay 6*d.* for a glass of ale he called for.

September 6 and 7.—The strike still continuing, the masters met again at the White Horse, and passed the following resolutions: To close all pits in the district unless men would agree—1st. To a reduction of 15 per cent.; 2nd. To conform to all colliery regulations; 3rd. To work 8 hours per day when required; and 4th. Sign a declaration not to contribute to men on strike.' This came before the men in the following notice: 'We hereby give you notice to quit our employ, and deliver up our tools on the 7th October next.' A few days prior to the expiration, a printed copy of the masters' resolutions was posted at the several pits, which at first were treated as a joke, but in the end the men resisting, gave up work, and thus 3200 men and boys were thrown out of employment. The object of the masters was twofold, to cease contributing to the firms struck against, who they said were gainers; and to break up the men's Union, by stopping their funds.

October 4.—The men held a large meeting on Woodhouse Moor, and marched in procession (2000) through the streets of Leeds. From this time meetings were held weekly at Leeds, Rothwell, Methley, Stanley, or Wakefield; and many people who disapproved of a strike, sympathized and took public part with the 'locked out.' Appeals were made and subscriptions solicited from other districts, trades, and the public; and in general these appeals were freely responded to.

October 7.—The pits were closed according to notice.

October 9.—A proposition was made by a large firm, through a friend to both sides, to divide the reduction 15 per cent., and they would give employment upon the old conditions. A large delegate meeting was called at Methley, and, after a long discussion, the proposition was rejected by a large majority.

October 11.—Men locked out received the first week's pay,

which amounted to about 4*s.* each, and which varied with the funds from that sum to as low as 10*d.* for one week. Of course great privation followed, and as many as possible left the district to get work. Some went out to sing, and women and children solicited relief, and were generally treated with kindness, and often with liberal relief.

October 14.—A large meeting of colliers was held at Rothwell, 2000 to 3000 people were present, when it was agreed to submit all differences to arbitration, and Messrs. the Rev. John Bell, Vicar of Rothwell, and Rural Dean of the district, and J. H. Longsden were requested to use their influence to bring this about. At the next meeting of the coalmasters, the services of these gentlemen were declined, on the ground of their 'clerical profession.'

October 21.—Some few gentlemen who saw and felt for the distress of the 'locked out' families, submitted a requisition to arbitrate. This was signed by the Rev. Dr. Hook, Vicar of Leeds, by magistrates, by all the bankers, and some of the principal merchant and manufacturing firms of Leeds: and they, expressing no opinion but as to the evil and danger resulting from this strike, respectfully suggested to the coal proprietors the desirableness of putting to a disinterested court the various matters in contention, with a view of closing the painful differences pending betwixt masters as capitalists, and the workmen as labourers. To such arbitration the men agreed at once, and promised cheerfully to abide the decision.

October 28.—The coalmasters met to consider the requisition, which, after considerable discussion, they declined, by the following resolution, which was carried unanimously—'That this meeting does not see any reason for entering upon arbitration with the miners.' This was the only meeting to which the press or public have had access. At that meeting a deputation of delegates were empowered to agree to a reduction of 5 per cent., but were refused admission.

November 1.—The distress of the miners now became very pressing, and as the weather set in severe, certain persons felt the necessity of giving relief to the starving women and children in a more extended and systematic way than had been done previously. A lady at Methley suggested the making of soup, and this, as most practical, was adopted. Subscriptions were solicited, and 25*l.* was raised for relief in this mode. Meat was purchased at a low price in large quantities, all other ingredients were procured gratis, and the soup was made two or three times per week at Leeds, Rothwell, Methley, Whitwood, and Stanley. At these places, as centres, hundreds of quarts of wholesome and nourishing soup, and bread along with it, were distributed amongst the most needy, selected by the committees appointed; and thus, doubtless, many valuable lives were preserved.

November 9.—The Leeds Co-operative Flour and Provision Society voted ten sacks, of twenty stones each, best flour, for relief to the miners. Others followed their example, and several sacks more were given—baked free and distributed in loaves, according to the necessities of the applicants in districts.

November 11.—A large and most enthusiastic meeting was held at

the Leeds Court-house, when the public passed resolutions of support to the miners after their statement of grievances.

November 18.—A proposition was made by the Leeds Delegates to the men of Messrs. Charlesworth's, at Rothwell, to go in at the reduction. This was done to relieve the funds, and to test the report that they were failing. A large meeting was called, and the men unanimously refused to go in.

November 26.—Messrs. Garsides, of Leeds, made a proposition to a friend engaged in the trade, that if their men would work, they would come to terms on a 7½ reduction, and give up bye-laws, and all declarations required. The men agreed to this proposition at once; and this was the first break-down of the 'lock out.'

November 27, Saturday.—Messrs. Joshua Bowers and Sons made the same proposition to the same gentleman (R. M. Carter, Esq.) in writing. This was immediately forwarded to Messrs. Bowers' men, at Allerton, was discussed and agreed to by them, and signed by their delegates that afternoon. These being large employers, it brought the strike and lock-out to an end. On Monday, the 29th, the terms were ratified, and on the 3rd December the masters met, and gave up the 'lock-out,' on a reduction of 7½ per cent., and no signing on the part of the men. The strike thus ended, after a severe struggle of thirty weeks, and six-weeks 'lock-out.' For several days little was done, but revise price-lists and scales, and, in many cases, considerable modifications in favour of the men were obtained, so that the reduction is really less than 7½ on the whole; and in many cases most objectionable bye-laws are set aside.

It will thus be seen (if these statements be true), 1st. That the men did not originate this strike. 2ndly. That the proposed reduction by the masters caused the whole contention, and the men's union in consequence. 3rdly. That the men did all they could by proposing arbitration, and by deputations, to reason and arrange terms, and that the masters uniformly rejected all and every proposition to reason, arrange, or modify. 4thly. That the men acted peaceably and successfully, and that the masters' union failed in their object, and gave up entirely the objectionable conditions of signing declarations and bye-laws. It is most important that these facts should be placed beyond dispute, as they have been much misrepresented, and even the very reverse affirmed.

For a proper understanding of the *rationale* of the strike it would be necessary to detail the operation, causes, and objects of the masters and men, and how the public acted in relation to both; time and space will, however, prohibit the latter, and the masters' union's secretary refused to reply to two communications respectfully requesting information. Both masters and men made public statements. The men by a list of prices (see the list) showed that there were no substantial grounds for a reduction of their wages; and the masters affirmed the trade was not paying, and hence the necessity of a reduction. According to the men's statements, coal was in March, 1858, 62 per cent. higher than in 1852, and wages but 25 to 30 per cent. higher.

To this the masters did not officially reply, but the practice of the trade at the time was to give overweights to the extent of 3, 4, or even 5 cwts. per ton to the purchasers of boat loads. The masters' union maintained the list price, but the members broke its spirit by giving overweights. This, as it created no real demand, seriously reduced profits, and as expenses could not be reduced, they fell upon wages. This was clearly a mistake: the remedy should have been in correcting the form of the evil, viz., the practice of overweights, which benefited only the middleman and retailer, for the public obtained no corresponding reduction (see list). The strike being a fact, both masters and men did all they could to reduce each other (not to reason, but) to submission. The masters published lists of men,* name, and number, on strike, and requested that such men should not be employed at other pits. In some instances they got men discharged from casual jobs. They prohibited parish relief to turn-outs. They discharged hundreds of families from their houses, gardens, and pigsties; they endeavoured to obtain other men, but most signally failed, nor could they procure coal from other districts to supply their requirements. Indeed, some of the masters since the strike, declared they were fairly beat by the unexpected firmness and unanimity of the resistance they had met with.

On the other hand, the men tried (and with success generally) to induce other men not to work at the reduction, or to subvert their labour. They removed (in one instance known, 200 men out of 300 had obtained work elsewhere) into other districts, which were well employed in consequence of the strike; they got other jobs where possible; solicited relief from other miners and the public; and submitted to starvation, cold, and overcrowding in each other's houses, with a degree of patience and firmness never excelled, if equalled. Their sufferings were very severe, especially in November; but few or none yielded. The women and wives of the miners were the strongest supporters of the strike; and though, perhaps, the heaviest punishment fell upon them and their children, yet they were the most firm in resistance. The peace and order maintained in the district were truly wonderful; two or three cases of intimidation or violence occurred, but the average of crime, or breach of law, was not at all increased during the strike.

The public did not at first take much interest, but as the strike went on, it deepened, and during the 'lock-out' people gave freely to the strike and soup funds, and rather increased with the time than otherwise.† About one-sixth of the men's funds were officially acknowledged from the public, independent of a liberal private relief.

As the coalmasters admitted 'that the final issue of the struggle was in some degree in the hands of the public,' and as they 'entreated

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* A list of 276 men thus 'tabood' is in the writer's possession.

† Public subscriptions for the weeks ending Oct. 19, 170*l.*; Oct. 24, 150*l.*; Nov. 1, 160*l.*; Nov. 8, 180*l.* For the month, 671*l.*—*Leeds Mercury*, Nov. 16, 1859.

the kind-hearted' not to be misled 'by the false and garbled statements of demagogues and stump orators, who for interested motives are endeavouring to lead the colliers astray, to their own ultimate ruin,' it may not be out of place to allude to the fact, that the popular voice was almost entirely on the side of the miners—proving that the public did not begrudge nor require that the earnings of these men should be reduced in the slightest. As instances of popular sympathy, it may be named that a few gentlemen, who disapproved of the strike, promised to maintain the soup fund so long as the lock-out lasted. One individual case ought not to pass away without record:—An aged female, above seventy, pensioned comfortably on account of her age, obtained work which yielded 2*s.* 6*d.* weekly, and sent it to the soup fund, withholding her name. As the paragraph, quoted by masters, about interested demagogues misleading the men, gives a definite authority to a very common opinion, it is worthy of consideration how far it is deserved in relation to this strike, and to the facts of such cases in general.

As the cause of the strike was in the masters' reduction, no one had anything to do with misleading the men into it. The men unanimously resolved to resist, and after that appointed delegates, two from each pit, to propose unity in mode of operation. During the thirty weeks of the strike, with only one exception, all engaged in the affair were working colliers. They had no leaders; their executive were but followers, and acted as directed to do by the bidding of the majority. And though working in two separate and independent districts, and each conducting their own operations distinctly, yet so unanimously did they act, according to the necessary circumstances, that little or no difference ever arose betwixt either committees, delegates, or members of the union. The men, notoriously jealous of each other, do not now, after the strike, even hint at being misled, or blame the delegates or officials for their proceedings. If fault be found, it is rather the other way.

As the men so unanimously deferred to the direction of the delegates, these were much blamed in consequence, as though they were misleading. The facts, however, were just the reverse. As this subject is much misrepresented, and worthy of being understood correctly, it should be known that the delegates were appointed monthly, and selected by the men entirely from among themselves. For the purpose of conducting their business, the men did not select the 'roughs.' The very best of their class were chosen—men who thought, and who could speak—in some instances, with ability and power rarely equalled. Most of these were the intelligent Sunday-school teachers, the local preacher, officer of the sick society, order, or lodge, or a well-known teetotal advocate. That these men did not abuse their duty may be judged by the sobriety, order, and peace maintained through the painful sufferings they endured. The duty of delegate was very onerous, and often exceedingly unpleasant. They were required to be constantly at their post, either at home or away, collecting, paying,

conducting, and correcting; and, whatever they did, certain to be blamed and found fault with by either masters or men. As thus engaged, and not permitted by order to obtain work as others did, it was proposed to pay the delegates 25*s.* per week for their services. Upon this proposition these 'interested' men met, and unanimously refused the offer, but agreed 'to share penny for penny with the rest.' This was from 10*d.* to 4*s.* weekly! and thus their 'motives' may be judged so far as pecuniary interest is concerned; not deserving the odium so often thrown upon them, as living riotously and sumptuously; 'robbing the poor dupes out of their scanty pittances,' &c., &c. It is only charitable to suppose the 'vilifiers' of these delegates are utterly ignorant of the reality, otherwise another name would be only deserving. The means of knowing the truth being easy of attainment, makes it still more unjustifiable that gentlemen, whose position in general entitles them to authority, should have spoken so unguardedly from a prejudiced, incorrect, and unfounded idea. The operatives themselves know such assertions to be untrue, and hence such like denunciations are not only futile, but they actually strengthen the resolutions of the men they are supposed to shake. Those who know, and have mingled with these delegates, find that they are rather diffident in their power than otherwise, and rather prone to shrink from, than abuse their place or position; and, in fact, that these men were the last to strike and the first to concede. In future, justice will be done to these erroneously blamed men—at present, the facts are most earnestly submitted for fair consideration.

Perhaps much of the public prejudice against the leaders arises from the erroneous, garbled, and incorrect aspect the press has in many instances placed before them. The press, representing generally the interests of the capitalists, and almost entirely in their hands, it is painful to see—with a few honourable exceptions—how unjustly and unfairly the motives, objects, and actions of the men were given. False statements were made, and false inferences drawn from facts. When truths were named, they were so given (in many cases designedly) as to produce an inverse impression. Facts were habitually withheld that told against the masters, and for the men; and facts bearing the other way most monstrously magnified and repeated (in one case many times over, as fresh news). Not only did the 'interested' press misrepresent, but even public and official reports of the greatest importance published the results of this strike as actually the reverse of the most notorious verity. In the report of Commissioner Tremenheere, on the working of the Mining Acts, addressed to the Home Secretary, August 8, 1859, he states, at page 44,—'That the strike terminated in the Leeds districts, the men accepting the masters' terms.' Other statements of the Report are equally incorrect, and thus both the public and Government itself are misled by a prejudiced, ex parte, one-sided, and therefore inaccurate aspect of the case of the poor colliers.

Besides public and authorized addresses, partizans of both sides

published anonymously both placards and letters. It would be instructive to give these in the order of coming out, and if so, it would be seen that one side had self-interest, and the other fair play strongly evident.

One letter ought not to be overlooked: it was published in the Leeds papers October 9th, and signed 'Philanthropist.' The writer, not in the trade, but practically well acquainted with it throughout, in the first place objected to strikes as a sore evil, but defended the course of the men, on the ground of the especial hardships the colliers, as a class, were subject to. As a proof, it was instanced, 'from Radcliffe's table, that from the nature of the employment, miners at twenty years of age suffered 46 per cent. more of sickness than the general average; at thirty years of age 70 per cent. more; at forty, 78; at fifty, 76; and at sixty, 53 per cent. more than general. The average of sickness, from twenty to sixty years, is 95 weeks, showing and excess of 67 per cent. more than general results. The Registrar-General's Report also says that more than one-third of the miners (numbering better than 200,000 people) meet with violent deaths; and it is an undeniable fact that the miner's life lasts but 27·7 years, while that of the agricultural labourer reaches 42·3. In other words, apart from sickness, the collier's life is shortened nearly one-half from the nature of his employment.' On this ground, therefore, the writer urged, the miner ought to be well paid—paid above the general average—in order to meet the extraordinary but necessary evils he is subject to, and that a reduction in the hours of his deleterious toil was most desirable. The *rationale* of a reduction was urged as a fit subject for discussion, and he submitted a board of arbitration as a desirable means of settling the dispute. This letter, containing as it does the very gist of all the men contended for, and the strongest possible grounds in their favour, produced a great feeling, and led to the attempt of arbitration which was so decidedly refused October 28th. The masters saw it was not 'expedient' to comply with such a requisition. As an instance of another publication—a large placard, signed 'Black Sheep,' but written and paid for by a master, was very extensively circulated. It began by stating 'the game was up,' and that the well-paid idle delegates and their leader in especial, would be done for, and could not get their testimonials of houses, &c., for the men now saw through it all, and wouldn't be gulled any longer. They would prefer to work at a slight reduction rather than starve to keep others in luxury.' This was a gross falsehood, and the writer knew it. It had, however, no effect; the men did not go to work, and did not forsake their delegates. In a few days, however, the game was up; but it was on the masters' side. The public sided strongly with the men in the end; but when the strike was over, all excitement quickly subsided, and a complete calm followed. Indeed, all parties concerned were heartily tired and sick of the struggle, except the press, who seemed to thrive and profit by the excitement.

The ostensible cause of this strike was in the reduction of wage.

The *rationale* of that reduction can only be inferred from scales of prices relative to wage and coal. The following tables were published at the time to show this. The first, published by the miners, was procured from one of the largest retail dealers in Leeds, and was, as requested, taken from his books, as paid average prices, cash at the pit's mouth :—

Per Ton.	1850.	1854.	Advance.	1858.	Advance over 1850.
	s. d.	s. d.		s. d.	
1. Best Lofthouse	5 0	8 0	60 per cent.	7 6	50
2. Allerton Main	4 6	7 6	85 ,,	6 6	50 nearly.
3. Seconds	3 6	6 6	95 ,,	5 0	50
4. Slack	1 0	2 6	150 ,,	2 0	100
	14 0	24 6	390	21 0	250
Average . . .	3 6	6 1½	97·2	5 3	62·2

The masters never officially contradicted the above statements, though the men challenged them to do so, because they were at once capable of proof, and their authority was undeniable. In the Manchester papers, however, a master published anonymously the following table, stigmatizing the men's as false and deceptive :—

Per Ton.	From Jan., 1850.	Advanced 1853.	Advanced 1853.	Advanced 1854.	Advanced 1854.	Reduced 1855.	Reduced 1855.	Price on Oct. 19, 1858.
		Jan. 1st.	Sept. 1st.	Dec. 1st.	Jan. 9th.	May 1st.	Oct. 9th.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Best Large Coal	0 6 4	0 6 8	0 7 6	0 8 4	0 8 9	0 8 4	0 7 6	0 7 6
2. Do. Small	0 5 6	0 5 10	0 6 6	0 7 6	0 7 6	0 7 6	0 6 8	0 6 8
3. Seconds	0 4 5	0 5 2	0 5 10	0 6 8	Sold none	0 5 5	0 5 5	0 5 5
4. Common	0 3 10	0 4 0	0 4 9	0 4 9	0 5 0	0 4 0	0 4 0	0 4 0
5. Slack	0 1 3	0 2 0	0 2 6	0 2 6	0 2 6	0 1 8	0 1 8	0 1 6
	1 1 4	1 3 8	1 7 1	1 9 9	1 3 9	1 6 11	1 5 3	1 5 1
	0 4 3	0 4 8½	0 5 5	0 5 11½	0 5 11½	0 5 4½	0 5 0½	0 5 0·1

It will be perceived that there are two important differences in the tables. The first does not give the price in 1854 so high by *9d.* per ton as the master does; and in the second table it will be perceived the price is much higher than in the men's for the year 1850, first column in each. The fact is, the men's table, in order to be correct, goes rather under than over the fact, giving the average for that year, and not the highest point; while the master's table, in order to disturb the averages, gives in the first column, not as it should have done, the cost, but the retail price.* The other differences, slight in reality, may be explained from the fact that one is

* A correction of this table was sent to the Manchester papers, but of course was refused publication by them.

framed for a local place (probably Whitwood), and in the other a general average is given for Leeds, the largest market. In order to show the truth of this explanation, we will give the retail prices as sold to the public at the coal wharfs, furnished by a gentleman not in the trade, from his household receipts :—

Per Ton.—Cash.	1852.	1854.	Advance.	1858.	Reduction.	Advance over 1852.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Lofthouse and Rothwell	0 6 8	0 10 0	0 3 4	0 9 7	0 0 5	0 2 11
2. Allerton Main	0 6 8	0 9 2	0 2 6	0 8 9	0 0 5	0 2 1
3. Seconds	0 5 0	0 7 6	0 2 6	0 6 8	0 0 10	0 1 8
4. Slack	0 2 6	0 4 6	0 2 0	0 3 6	0 1 0	0 1 0
	1 0 10	1 11 2	0 10 4	1 8 6	0 2 8	0 7 8
	0 5 2½	0 7 9½	0 2 7	0 7 1½	0 0 8	0 1 11

WAGES.—*Prices of Coal Getting and Straight Work at Seven of the Principal Collieries in the Wakefield and Methley District in* 1852 *and* 1854-8. (*Furnished by a Workman.*)

		1852.			1854-8.			Reduced price, 1858.		
		Getting per Ton.	Straight work per Yard.		Getting per Ton.	Straight work per Yard.		Getting per Ton.	Straight work per Yard.	
			End.	Board		End.	Board		End.	Board
		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Kippax	Lock & Co.	0 10½	2 1	1 10	0 11¾	2 7	2 4	0 9¾	2 3	2 0
Allerton Main	J. Bower & Son.	0 7½	1 8	1 4	0 10 3/10	2 0	1 8	0 9¾	1 10	1 5
Stanley	R. Hudson	0 10	1 6	1 2	1 0½	1 10	1 6	0 11	1 8	1 4
Whitwood	H. Briggs & Son	0 9½	1 4	1 9	0 11½	2 1	1 7	0 9½	1 10	1 4
West Riding	Pope & Pearson	0 8½	1 5½	1 11	0 10	2 3½	1 9½	Struck against Reduction.		
Newmarket	Charlesworth	0 10	1 4	1 0	1 0½	1 9	1 4	0 10½	1 5½	1 1
Robin Hood.	Do.	0 5¾	1 6	1 4	0 7¾	1 11	1 9			*

[A man can get about 3½ tons per day for five days per week the year round, and thus earnings may be judged accordingly.]

It will be seen, if these tables are correct, that household, the most used coal, rose from 5*s.* to 8*s.* 9*d.* per ton, while wages rose only 2½*d.* per ton! At the reduced scale of 1858, this coal was still 2*s.* 6d. per ton higher than in 1852. 'Why, then,' said the men, 'should we be reduced 1¼*d.* per ton from our wages?' To this masters said the cost of working had increased; and to this the men replied, not in so great a ratio as production from improved machinery, facilities, and safety. Other considerable discrepancies also arose, particularly in the amount of wages the men could obtain. Each side published exceptional cases; and as in the coal, working-price, time, scale, skill, and power are exceedingly varying and fluctuating, so the results

instanced varied accordingly. One master offered to prove (and produce his books) that at the Methley pits his men averaged 5*s.* and 6*s.* per day; and the men offered to prove, at another pit of his at Wakefield, that they could not average more than 3*s.* or 4*s.* Another master furnished the actual earning of men named at 6*s.* 2½*d.* per day. To this the men replied, those were picked cases and at picked times, and published lists of other men, which proved by their wage papers that for ten and twelve hours' work they did not earn more than 3*s.* 4½*d.* per day; and in another case, two men for six weeks had only obtained 1*s.* 10½*d.* per day. As far as I can learn, at the then scale, miners cannot average by the year more than 4*s.* per man and live.

Another, and perhaps the principal cause of the strike was, as masters said, 'Who were to be the masters?' For several years previously, proprietors had been gradually introducing into the working of their pits codes of bye-laws, which they affirmed were necessary, and in many cases imperatively forced upon them by the ill-conduct of the men themselves. Now, it seems advisable that rules for working and regulations for the comfort and well-being of both masters and men should be instituted; and if this was the only guiding principle in action, should be enforced rigidly for the general good. The men, however, complained that these bye-laws were made by the masters alone, and were for their own personal and pecuniary advantage, irrespective, and in many cases subversive, of the interest, comfort, and well-being of the men. These bye-laws were also, and are still, enforceable by the magistrates, among whom the masters sat, and adjudicated in their own cases. Bye-laws being enforceable by discharge, severe fine, and imprisonment, we can, without going into any mystery in human nature, easily suppose abuses would arise in this self and one-sided legislation. That abuses did occur should be made clear. The following are a few extracts from copies of these bye-laws, printed by the several employers for themselves, and who charged an exorbitant price for them when furnished to the men for their guidance:—

'Any person being behind time, smoking during working hours, neglecting work, or in any other way misconducting himself, will be fined, dismissed, or taken before a magistrate. Any miner or other workman who neglects or absents himself from work, unless prevented by sickness or accident, of which he shall furnish the agent with a medical certificate as proof, will be fined 1*s.* per day for absence, and on Saturday a fine of 2*s.* will be levied. A fine of 1*s.* will be levied to every miner, hurrier, or other workman who ascends the pit before two o'clock in the afternoon, unless compelled by sickness or accident, of which he shall acquaint a deputy or under-viewer, who shall give an order to ascend if requisite.'

Now, did these laws apply to men who were paid a fixed sum, by day or week, they would be reasonable, (if harsh), but the miner is paid only for what coal he gets. In another case, 'all men employed at this colliery shall pay 2*d.* per week, and boys 1*d.* per week to the Accident Fund, of which the owner shall be treasurer.' Now this

owner rendered no account of the fund so stopped from the men's wages, but administered it at pleasure. Again, 'the agent shall levy a fine of not exceeding 10*s.* nor less than 1*s.* for a breach of any of the foregoing rules, orders, and conditions, and for flagrant disobedience or misconduct, the offender may be fined, immediately dismissed, or taken before the magistrates.' In this case, all fines went into the owner's own pocket.

It will thus be easily seen, that the master and agent, being irresponsible, could easily stretch the self-made 'laws, orders, or conditions' into anything, and in any way, and such has often, very often, been the fact. Cases are numerous, and could easily be proved; and the men had no counter-action, but to give a fortnight's notice to leave. For the master, on the other hand, there was no 'instant' dismissal, fine, or imprisonment.

The unwritten laws and customs were still more oppressive. Suppose a man left a mine (however adequate his motive), by arrangement amongst themselves, the 'owners' do 'not employ each others men without note or clearance papers;' and these might, nay were, and are yet withheld at pleasure, or they are privately marked or noticed, so that a troublesome man can easily be cut out of work, and prohibited his habitual mode of living. That this is not an imaginary idea, can be proved. One man who had worked 24 years for one firm, and who was noticed to quit, because he opposed a reduction, was turned away four times in one month (after he had served his notice) from other masters, under whom he had obtained employment; the reason given was, that he had been 'reported.' Worse than this, one poor man, a sober, intelligent, and industrious 'delegate' was so discharged, and so kept out of work after the strike, that in the end, his large family being in need, he went and drowned himself in despair. This, too, is no fiction; it occurred this year, and within 20 miles of this place.

Another unwritten rule is, 'that all corves not full, or not clean, shall be forfeited,' and as this is entirely at the pleasure of the viewer, the men declare they are thus cheated wilfully day by day, and that this 'motty' system alone defrauds them out of thousands of pounds per year. Besides all this, the steward has his perquisites and privileges. The men have to buy candles of him, and pay 1½*d.* or 2*d.* per lb. above the market price for them, or they are turned away, put to bad work, or have inferior tools given them. To speak is to be fined, and to murmur or complain is to be discharged, and to be marked accordingly. These are some of the men's grievances, which growing, no wonder they will strike against when they can; nor should it be overlooked, that in many instances, several of these objectionable bye-laws have been either greatly modified, or altogether rescinded since and in consequence of this strike.

It may not now be out of place to ask—What did this strike cost the men, the masters, and the public, in a monetary or economic aspect? The following estimate is made, in many cases imperfect, from having no data, in other cases it is official, and may be relied upon.

BY LOSS.

		£	s.	d.	£	s.	d.
600 men out on strike,	30 weeks at 24*s.* . .	21,600	0	0			
200 youths and boys ditto	30 ,, 10*s.* . .	3,000	0	0			
2600 men lock-outs,	6 ,, 24*s.* . .	18,720	0	0			
800 youths and boys ditto	6 ,, 10*s.* . .	2,400	0	0—	45,720	0	0
Lost on men's subscriptions		8,005	4	1			
,, public ,, ...		1,561	16	2—	9,567	0	3
Lost by masters, say 20 per cent. on wages . .		9,144	0	0			
20 per cent. do. for wear-rents and loss of capital do.		9,144	0	0—	18,288	0	0
Loss by money paid to masters struck against— one had 80*l* and another 35*l.* per week—say		6,000	0	0—	6,000	0	0
Loss to public subscriptions not registered . . .							
Loss ditto for advanced coal from scarcity . . .							
Loss from sickness, death, &c., from overcrowding and starvation							
					£100,000	0	0

Added to which, we have ill-will, and bad feeling, and jealousy rife on both sides; while sickness, weakness, and death have been unusually prevalent in the locality, which nurses and surgeons say, are to be attributed to the privations the people experienced from this fearful contention. We leave it now to a certain school of political economy, under whose doctrines strikes are inevitable, to give us the *per contra* advantage.

The preceding statement of facts will induce one or two affirmations, and necessarily a very few inferences to be derived from them:

1st. That in this instance the capitalists banded together, artificially to raise the price of coal, and to reduce the price of labour; and I infer that in proportion to the validity of their grounds, they succeeded and failed in both instances.

2ndly. That this strike was positively forced upon the labourers, and was imperative to their self-existence. That the men went unwillingly into it, kept it up firmly, and quitted it with alacrity, as soon as possible. That it was eminently advantageous to the colliers in the result; and was conducted in a most praiseworthy mode, in peace, order, and sobriety.

3rdly. Generally, I infer, that unions for the object of the proper regulations of capital and labour are sound and advisable on both sides; but that a one-sided or 'unregulated combination' is a great evil, and therefore, that unions had better be publicly recognised, and their funds legalized by rules enforceable by law.

4thly. That strikes and combinations are inevitable in the present relations of capital and labour, and are the natural and necessary results of it. That with the growth of our present arrangements, strikes will be still more common, extensive, costly, and fatal to economic success.

5thly. On economic grounds alone, I infer it will be found necessary to institute some better mode of settling the differences which will arise; and that Courts of Arbitration would be a fitting and proper mode of settling such disputes; and

Lastly. I infer that the best possible mode of ending all these diffe-

rences would be to amalgamate practically the now divided interests of capital and labour; then the workman would feel he obtained his fair share of the product of labour, and then the capitalist would receive in peace his equitable proportion. In this way labour and intellect would have the highest stimulus to exertion, wealth would be increased incalculably, and capital would have a certain guarantee for the enjoyment of its rapid accumulation. That this may be the case, I have endeavoured to place before this Association a few facts and evils of one strike.

[November, 1859.—On representation of the colliers, who have always said the reduction was not fair, a general advance of 7½ to 10 per cent. took place in the district, so that wages are as high, and even higher than before, and yet coals are now selling at 6*d.* per ton less than in 1858. We may fairly infer, therefore, that no reduction should then have been attempted.]

The Chain and Tracemakers of Cradley Heath and its Vicinity and their Employers; or Union and Disunion, and their Consequences. By NOAH FORREST, *a Chainmaker.*

IN the early part of the year 1844, and for some time previous, the net average wages of the men mentioned above were about 10*s.* The women and children about 5*s.* There were about twenty masters at that time. About half of them paid ready money, and the others in goods, charged for exorbitantly high. The former complained that they could not trade with the latter, and must give less or become trucksters too. Had they paid less, it was known from past experience that the trucksters would have done so as well, and this was told them, and they said it was true, and they did not wish that; our wages were too low already, and we had better try to put down truck. They could not do it themselves, but we could with their assistance, which they said they would give. But the men were disunited, and many in a state of despondency; life was to them a burden; it was difficult to arouse them at first—they were hopeless. A few of the more intelligent were, however, determined to make some special and united effort. They got a formal meeting amongst themselves, and there agreed to call a general one of the whole trade. This was to be effected by two delegates waiting on each man in the trade, and inviting him to attend, and pointing out the objects of the meeting. The meeting took place, and it was decided that a fortnight's notice should be given to the principal truckster that his men would require cash for all work they may make for him after the expiration of the term of the said notice. He would not consent to it. His men ceased to work for him. As many as could, got work elsewhere; such as could not do that, were supported by a levy of 6*d.* from each man at work, and by contributions from the cash-paying masters and other tradesmen in the neighbourhood. After about three months'

strike, he agreed to pay cash, and the next principal truckster was noticed in a similar manner, and with similar results. The smaller trucksters were then taken several at a time, till all truck was put a stop to as far as our trade was concerned, some of the trucksters themselves seeming as well satisfied about it as ourselves after the struggle was over; nor has the system been re-imposed to this day. Truck being thus abolished, an inquiry was instituted into the prices paid by the different firms. It was discovered that some paid 10 per cent. less than others for some kinds of work. The firm paying lowest was noticed to pay a similar price to the highest paid. They would not consent at first. A strike took place, which was supported as above described in case of truck. In short, this method answered as well to improve the prices as to put down truck, and was resorted to till 1847, when the prices were much more than double what they had been in 1844. Indeed, we were then as comfortable as workingmen may reasonably expect to be. The steady and industrious families in which there were few unable to work, laid by sufficient to keep them, with an ordinary amount of toil, from want through the fearfully trying times that have since intervened. The spendthrifts did then as spendthrifts always do, viz., the more they earned, the more they drank, and were the first to give over paying to their trade society. When applied to for money, they would say—'What do you want with money now; we have got a good price, and plenty of work; there is no need of money now.' They were told, if trade became slack they would need money to support them, without submitting to lower prices in order to obtain work. But they heeded not the voice of warning, and others learning that these characters were not contributing, ceased their payments likewise. The consequence was, that when trade became slack, there was no money to support the number who could not get work. The men began again to submit to low prices, and to blame each other as aforetime; the managers who had warned them coming in for a full share. The union was broken up, the writer, for one, resolving never to have a hand in forming another. Perhaps the writer may as well state here that he never regarded trades' unions *per se* as a positive good, but as good in the same sense as a standing army, or as vaccination to prevent small-pox—*i.e.* a less evil adopted to prevent a greater. But to resume the narrative. Low prices became the order of the day again; misery, of course, was again the chainmakers' lot. They entreated their former managers to come and get them united—they refused. The men attempted it themselves, but failed, and attempted and failed again several times from 1851 to 1858. During the interval between those dates, except a few months in 1854, the prices were very low; even the Russian war, which brought us plenty of work, caused no improvement in the price. The present manager, Mr. Horner, was recommended to the trade by one of the former managers, who could see no hope of any improvement unless the men unitedly demanded it, which they have done, and have secured and enjoyed one advance several months, and have now nearly obtained another. But even now their

wages are 30 per cent. less than in 1857. The writer fancies these details clearly show the connexion betwixt union and good prices, and the contrary. He is aware that to force up prices extravagantly high is unwise as well as unjust. With regard to the effects of trades' unions on the character, he does not feel able to speak with confidence, but does feel sure that the steadiest, honestest, most industrious men are the best unionists, and has many a time felt indignant when reading papers in which non-unionists were spoken of as persecuted paragons of goodness, and unionists in general as idlers, vagabonds, revolutionists, &c., and their managers in particular as demagogues, stump orators, levellers, and other opprobrious epithets. That there may have been some such is not denied, but that to represent the generality as such is certainly false. If it were desirable to condemn any class as a whole because of the unworthy part of it, what class may not be easily condemned? Alas! what has not been proved of some in the great commercial class within the few last years?

This paper shall be closed by an example of the way in which wages have frequently been reduced when we were not united, and by another example showing the disastrous effects of low wages on even the steadiest men, when combined with other unfortunate circumstances. There is a chainmaster living near me who employs many men—who has frequently brought plenty of orders with him from market. He has gone to a certain public-house where he knew he should meet several of the most drunken of his men. These men would cling to him and fawn on him in true drunkard's style, and say, 'Master, have you an order for me?' and another, 'Have you an order for me?' He would fume and frown, and say, 'No, I have no order for you; I am being undersold again. I could have had some if I would have taken them cheaper.' 'Well, master, take them; we'll make it right.' Others must do the same or have no work, and a general reduction has more than once been the result. There is a steady chainmaker here, his age is nearly 45; he has a wife, who is an invalid, and till six weeks ago had six children. The eldest, a son, died then at the age of eighteen years, after an illness of nearly two years, which it was supposed was induced by excessive toil, performed voluntarily, in order to help his father, whom he saw so fearfully hard up. The second, a son, sixteen years old, an idiot, cannot learn to work, and four others, two of whom may earn nearly 8*s.* weekly. The father himself has aimed from his boyhood to improve his circumstances, and when prices were good, bought some tools and iron, and put four men to work. He worked at chain himself, and at the meal times went after work and iron for the shop. But with all this exertion, through the low prices and the above-mentioned afflictions, has been unable to pay his way, and is fast verging towards pauperism. These calamities are fast hurrying him to the grave, and the language of his spirit is, 'Few and evil have been the days of the years of Thy servant.'

Report of the Committee on Trades' Societies.

THIS Committee originated at the annual meeting of the Association held at Liverpool in October, 1858. A conference being there held upon the subject of Trades' Societies, in which several working men took part, a resolution was adopted, recommending the Council of the Association to appoint a committee to inquire into the subject.

In accordance with this recommendation, the following resolutions were adopted at a meeting of the Council held on the 23rd February, 1859:—

'I. That the following gentlemen, namely—E. Akroyd, Esq., J. T. Danson, Esq., A. Edgar, Esq., W. Farr, Esq., M.D., F.R.S., G. W. Hastings, Esq., Charles Hawkins, Esq., Thomas Hughes, Esq., R. H. Hutton, Esq., W. A. Jevons, Esq., George Lefevre, Esq., Horace Mann, Esq., Rev. F. D. Maurice, W. B. Ranken, Esq., and P. H. Rathbone, Esq., together with not more than two delegates named by each of the local committees hereinafter mentioned, be constituted a central committee, with power to add to their number, for the purpose of reporting to the Council of the Association previous to its next meeting upon the objects and constitution of Trades' Societies, with their effect upon wages and upon the industry and commerce of this country.

'II. That the general secretary of the Association be instructed (in conjunction with the secretaries of the central committees) to organize forthwith local committees in such places as from time to time may seem desirable, taking care that the constitution of the said committees shall be such as to secure as far as possible impartiality.

'III. That the local committees be requested to conduct the inquiries upon the above subjects, and to report to the central committee.'

To the names of the central committee were subsequently added those of J. M. Ludlow, Esq. and Professor John Wilson.

The Committee have to report that they have entered upon the inquiry intrusted to them, and have taken evidence and collected documents and statistics bearing upon the subject of the inquiry. The mass of facts requiring to be ascertained, arranged, and considered, before any reliable conclusions can be arrived at, is, however, found to be so great, that they have not been able to complete their investigations in time to report to the Association at the present meeting; indeed, so far from having brought their labours to a conclusion, they can only consider them as having barely commenced. They therefore recommend that they should be reappointed for another year.

Being unable to present a final report, the Committee have also come to the conclusion that it would be improper and inexpedient for them to offer any opinion on the merits of the questions submitted to them until all obtainable evidence is not only fully before them, but has been carefully and dispassionately weighed.

The Committee are conscious that this delay of their final Report, and the reserve they feel bound to maintain, may be a disappointment to many members of the Association, but they feel convinced that they could not by any other course do justice to the important inquiry which has been intrusted to them; they hope that the increased publicity given by the present meeting of the Association to the nature and objects of their investigation, and to their mode of conducting it, will afford them such increased means of obtaining the information they require as may materially facilitate their labours, and render the result of them of infinitely more value than any conclusions adopted in the present stage of the inquiry. It is therefore desirable to state shortly, for the information of the Association and of those classes of the public who are interested in the subject, the method in prosecuting the inquiry, and the chief difficulties they have had to contend with, and to draw attention to a few of the points on which they require further information.

In pursuance of the power given to them, they appointed a local sub-committee in Liverpool at an early stage of their proceedings, but thought it desirable to defer further appointments of the same nature until they saw more clearly the form which the inquiry was likely to take.

Their next step was to draw up lists of questions, to be replied to respectively by employers of labour and members and officers of trade societies. These questions were intended as instructions for local committees in conducting their inquiries, and to be used in case of need for obtaining written replies from witnesses who could not conveniently attend to be examined *vivâ voce*. These lists have received much consideration, and were ultimately revised by a sub-committee, after hearing the views of the officers of a large and influential trade society.* The questions, with a circular that has also been adopted by the Committee, are given in an appendix to this Report.

The Committee have also addressed themselves to obtaining copies of the rules of the various trade societies in the kingdom. They have at present obtained these from about 30 societies, and are constantly increasing the number.

They are also engaged in analysing and digesting the various Parliamentary Reports, which have from time to time been issued on the subject. Though these reports, some of which date upwards of 30 years back, convey information which cannot be relied on as justly representing the present state of the question, they are highly valuable, as showing the results of various measures of legislation.†

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* The Amalgamated Engineers.

† From an examination of the Statute Book alone much curious information may be gained. When it is found that it was enacted by Parliament, in the reign of Elizabeth, and the Act only finally repealed in 1814, how many hours a workman should labour, and how long should be allowed him for breakfast, dinner, and drinking; that he might not leave his parish without a testimonial; that the rate of wages should be fixed by the sheriffs and justices of the peace at general sessions; and that a master giving, or a workman taking, more than the legal rate of

The results of the laws against combinations of workmen, which were repealed so recently as the 5th George IV., are worthy of being closely studied, particularly when, as at the present time, legislation on these subjects is again talked of.

The Committee have also by their secretaries made personal inquiries in London, Sheffield, Preston, and Liverpool, and have, as to particular important strikes, such as the Preston strike of 1853, the West Yorkshire Colliers' strike of last year, the Flint Glassmakers' strike at the end of last and the beginning of the present year, the Northampton Bootmakers' strike of 1857, the Padiham Weavers' strike, which has just terminated, and the present London Builders' strike, collected all the public and private documents they could procure bearing on the questions in dispute.

Lastly, the Committee have, through their Liverpool sub-committee, examined witnesses *vivâ voce;* these examinations are conducted after the manner of an inquiry before a Parliamentary Committee, and in these the printed lists of questions are found of the greatest use, both to enable the witnesses to prepare themselves with the information required, and to ensure that no important features of the subject are left uninquired into. The Report of the Liverpool sub-committee, which is given in the Appendix,* will more fully explain their proceedings.

This system of *vivâ voce* examinations involves so much labour that it can only be carried on by sub-committees, it will necessarily consume much time, and the matter so collected will be increased by much repetition, and by many statements that, when sifted, may be shown to be altogether immaterial; but the Committee are of opinion that it will ultimately be found that by these means the most really valuable information will be obtained, although the mass of minor facts so accumulated may at first sight seem somewhat appalling. The Committee have even already found so many differences between the operation of trade societies, and so many things in which they vary from the ordinarily received views as to their nature and working, that they are convinced that no safe conclusion can be arrived at except by induction from a very extensive body of facts.

The foregoing sketch will show the mode in which the inquiry has been and is proposed to be prosecuted. The difficulties which lie in the way of its successful issue are, first, the internal difficulty arising from the great mass of facts that have to be classified, and secondly, the obstacles they have met with in obtaining those facts. Those obstacles arise mainly from two causes, indifference and suspicion on the part of those who have the information to give; the former of these is chiefly found amongst employers, the latter amongst work-

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wages, was punished by fine and imprisonment; that a workman was fined for following any occupation to which he had not served seven years' apprenticeship—(See 5 Eliz., c. 4, ss. 6, 7, 8, 10, 15, 18, and 19)—it must be conceded, that precedent, at all events, is in favour of external interference with free trade in labour.

* See Appendix page 662.

men. These difficulties of course cannot be directly met, but the Committee hope that the public attention, which is now directed to the question by the present strike in the metropolis, the increased publicity which will be given to their labours by the present meeting of the Association, and the readiness with which the members and officers of trades' unions have for the most part come forward to make good their own case, will in time insure their obtaining from the employers of labour such information as will enable them fairly to judge of the merits of the case.

The difficulty that has arisen on the side of the members of trade societies has been already to a great extent overcome, though it still exists in some measure. It takes the form of doubt as to the impartiality of the Committee conducting the inquiry, or of suspicion lest the information sought to be obtained should be used for other purposes than those of attaining to philosophic truth, on a difficult question of social science. The employers of labour, from their greater wealth, their higher position, their generally better education, and their consequent better command of all avenues by which public opinion is influenced, have so much greater practical power of securing attention to their own view of the merits of the case, that the Committee have thought it right to bestow some pains in vindicating their impartiality to, and securing the confidence of, the employed.

That they have to a great extent succeeded in their object is proved by the following resolution passed by two important unions of trade societies. The united Trades' Council of Glasgow, which represents about 30 trade societies, passed the following resolution, on the 21st September, 1859: 'Resolved,—That we, the representatives of Trades' Unions in Glasgow and the West of Scotland, in council assembled, hail with delight the proposal of an impartial inquiry into the nature and tendency of Trades' Unions, as proposed by the National Association for the Promotion of Social Science, and resolve to recommend our constituencies to co-operate with the gentlemen who are engaged in that inquiry, by giving them information on this most important subject. And be it therefore ordained, that reports from the various societies be given into this Council, with all convenient speed, of their willingness to co operate in or aversion to the inquiry, that the same may be forwarded to the proper parties.'

The Shipping Trades' Association of Liverpool, which represents five trades' societies and 2000 workmen, have also communicated to your Committee the following resolution:—

'That we, the representatives attending the shipping trades' association, recommend to our various societies the expediency of sending delegates to give information bearing upon the trade societies connected with this council, for the purpose of eliciting an impartial inquiry into the operations and institutions of trade societies.'

The Liverpool Trade Guardian Association, which represents about eighteen trades in Liverpool, has also testified its interest in the question by sending a delegate to attend the present meeting of the Asso-

ciation. In addition to these facts, it will be observed, from the Report of the Liverpool sub-committee, that two members of each of the last-mentioned associations have seats on that Committee, and assist, by their practical knowledge of the subjects inquired into, in eliciting full information from the witnesses under examination. It were greatly to be desired that employers of labour would come forward in a similar manner to assist in the prosecution of the inquiry.

The Committee would take this opportunity of impressing upon both the employers and employed that the public are likely to interpret any attempt to withhold the fullest information of a general nature on the subject unfavourably for the party so doing.

Whilst such social phenomena as the engineers' strike of 1853, the Preston strike of 1853-4, and the strike amongst the building trades of London now in progress, are fresh in the recollection of the whole country, it needs no argument to prove that the importance of the present inquiry cannot easily be overstated.

The public attention is, however, too exclusively confined to strikes, whereas the daily action of trade societies has probably still more permanent influence (in the aggregate) upon the industry of the country.

The problem goes to the very root of the social prosperity of the most numerous class of society and the commercial prosperity of the whole nation, and the case cannot be disposed of by a hasty adoption of the views of either of the parties in the dispute, but only by a careful examination into the merits of the whole question. Both parties to those disputes no doubt consider themselves in the right, and if they do so, may be naturally expected to court the utmost publicity for their views, and for the facts upon which those views are founded. Publicity can only tend to establish right views on the subject.

Whatever conclusions this Committee may come to, whether sound or unsound, the evidence on which they have founded them will remain upon record, and the higher tribunal of public opinion will ultimately correct any unsound deductions and reject any false conclusions. Upon the correctness of this tribunal all parties may be safely urged to rely.

In conclusion, the Committee would state the principal points on which they desire information; they desire to be furnished with copies of the printed or written rules of all trades' societies and employers' associations, and of all unions of trades' societies, reports and balance sheets of any such societies or associations, and any other documents bearing on the constitution or operations of trades' societies or employers' associations. They also request that any persons who, from their personal knowledge, can give information on the subject, should forward their names and addresses to the secretary.

They also desire to be furnished with any advertisements, placards, pamphlets, balance sheets, or other publications, emanating from either employers or employed, relating to any strike or lock-out, and the names and addresses of any witnesses who can give verbal information relating to the same.

It is to be remembered that facts contained in written or printed papers are only valuable as evidence when the source from which they come is authenticated. They give in their Appendix to this Report a list of the principal strikes, which, from their magnitude and importance, or from their recent occurrence, they chiefly desire to investigate; but they do not mean to confine their attention within any specific limits, and would therefore strongly recommend that no information should be withheld from them under the idea that it is unimportant or already in their possession.

Although the Committee thus couple together trades' societies and strikes, it is necessary to state that they are perfectly aware of the facts that a strike is not necessarily caused by a trade society, nor is a trade society necessarily the cause of a strike.*

The Committee have now only to throw themselves upon the kind consideration of the Association.

APPENDIX.

The Committee feel that it will be desirable to take some notice of the principal strikes of former years in order to compare them with those of the present time; and, besides the blue-books before alluded to, they propose to select for examination the woolcombers' strike at Bradford of 1825, the builders' strike of 1835, the Preston lock-out and strike of 1836-7, and that of 1853-4, the Manchester strike of 1841, and the amalgamated engineers' strike and lock-out of 1853, of which last an account has been prepared, and will be laid before the Association.

Of the strikes and lock-outs which have taken place within the last two years the Committee have some information, but wish for further, viz.:—

1. West Yorkshire Colliers last year.—The information about this strike is on the whole very full.

2. Flint Glassmakers' Strike at the beginning of this year, and the end of last.—This was a rather extensive strike, and said to have absorbed a fund of 11,000*l.*

3. Northampton Bootmakers' Strike against the sewing machine at the beginning of this year, but which has lasted since 1857.—The Committee have some very valuable information concerning this strike.

4. Padiham Weavers.—This strike, which has just terminated, is, for several reasons, an important one. The Committee are in possession of some valuable information, and are in hopes of getting further from the best authorities.

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* The Committee have met, in the course of the investigation, with one trade society who boast that, since their establishment forty-four years ago, there has been only one strike in their trade, whilst previously strikes occurred every two or three years; and the constitution of another society contains a special law that no strikes or turn-outs shall be countenanced by it, and devotes the preface of its rules to a discussion of the evils arising from strikes.

5. Gasmen's Strike, London.
6. Cabmen's Strike, Birkenhead.

Neither of these two strikes is of any great importance, except in one case as exemplifying the result of a strike of unskilled labourers, and in the other a strike when there was no union.

7. Building Strike, London.—The Committee have no information of any consequence, except what has appeared in the press, which has been carefully collected.

8. The Cabinet-makers' Strike at Liverpool.—The Committee have no information, but have reason to believe that they will be able to procure good information concerning it. It took place in 1858.

9. The Chainmakers' Strike, Wolverhampton.—The Committee have some information of considerable value concerning this strike, but are in hopes of getting considerably more.

10. Colliers of Wigan.
11. " Ruabon and Wrexham.
12. " Northumberland.
13. Boot and Shoemakers of Blackburn.
14. " " Drogheda.
15. Carpenters of Dublin.
16. Gun screwers of Birmingham.
17. Shipwrights of the Tyne.
18. Bolton Counterpane Weavers.
19. Oldham Brickmakers.

In many districts of Lancashire an advance of wages has been obtained without any strike. Among these are Chorley, Blackburn, Preston, Ashton, Stockport, &c. Another movement which the Committee will watch with interest is that of the journeymen bakers, who are forming a combination to reduce their hours of labour, which at present are said to extend often to 18 per day: they desire to reduce them to 12. The Scotch bakers have already done so, and passed their constitution at a delegate meeting in August last. The coachmakers of London are also agitating for a reduction of the hours of labour. The table knife-grinders of Sheffield have likewise demanded an increase of wages.

REPORT OF THE LIVERPOOL COMMITTEE.

The first step of the Liverpool Committee was to place themselves in communication with two associations of trade societies, one the Trades' Guardian, representing about sixteen to eighteen trades, and the other the shipping trades, representing five trades and about 2000 workmen. These associations were requested each to nominate two members to sit upon the local committee, and accordingly the two presidents, one of the secretaries, and another member of one of the associations were nominated.

To the practical knowledge and cordial co-operation of these members the Committee attribute in great measure the satisfactory character of the information they have received.

The practical members were more especially invaluable in eliciting from witnesses the points of importance, when those not possessed of such knowledge would have been very much at fault. The negociations preceding the final formation of the Committee occupied considerable time, and several interviews with delegates took place, so that it was not until August that the Committee fairly began their work. They have since then sat once a week examining witnesses. They have had ten evening sittings, and examined four witnesses. Besides which they have not as yet procured the rules of societies and other documents. The reason that they have examined so few witnesses is, that they find that they cannot satisfactorily to themselves examine a witness in less than from two to six hours, and they believe that the evidence will be of comparatively little use unless it is as complete as it is possible to make it.

The witnesses are examined by the chairman from the printed questions, the other members of the Committee who may be present interpose where they think it desirable to obtain any further explanation of a reply given by the witness, and any entirely fresh questions are permitted to be put by any member of the Committee after conclusion of the printed questions, such additional questions being first written down and put from the chair.

This course has several advantages, among which not the least is, the facility with which the answers of different witnesses to the same question may be compared.

The Committee are not prepared to suggest any alteration in the lists of questions, unless the adoption of a question as to whether the sick and burial fund and trade fund are kept distinct and separate. From their experience they are also convinced that verbal examination, written down at the time in the same way as is practised by a Parliamentary Committee, is by far the most effectual method of obtaining really valuable information; and that in taking down the answers too much condensation should be carefully avoided, as by that means the most characteristic parts of such answers may be lost.

In conclusion, the Liverpool Committee have to add that further experience has only increased their sense of the great importance of this inquiry, and of the value of the practical results which are likely to flow from it if it be fairly, thoroughly, and patiently conducted.

SOCIAL PROVISION.

On the Economical Appropriation of Wages. By ROBERT BAKER, *one of Her Majesty's Inspectors of Factories.*

I HAVE ventured, I fear with great presumption, to bring this subject before you. But it seems to me to be one of the great objects of social science to enter into the minutiæ of congregated life espe-

cially, and by an inquiry into its details to ascertain how best to offer that advice and direction which education alone is calculated to afford.

The question of the economical use of wages is one which affects all our social relations. Moreover, it has especial reference to the workman's means of defence of himself and family, as well as to that of the public. As regards the latter, with respect to the economy of industry; as regards individuals, with reference to their social happiness and their self-respect; and to both, since that condition of life is abnormal and oppressive which calls upon the savings of industry to supply healthy labour with collateral helps, beyond what it has provided for itself, which might be remedied by a just economy of wages, and ought to be as a matter of public principle.

As wages are the price of labour, and as the price rises in proportion to the skill of the labourer in the market where that skill is in demand, so, to make all kinds of labour skilled as much as possible by a sound practical education, is the surest way to diminish local taxation; and by raising the self-opinion of the labourer, to increase his wages, and the prosperity of the neighbourhood. My desire, however, is not to discuss a question of political economy, but to lay before you in general terms the rate of wages in these districts, that we may be enabled to seek for a solution to the reasons why the working classes, as a body, are open to such great vicissitudes of fortune, so to speak, now so poor, and then again so well-to-do, and yet withal so improvident, and why they are so prone to forge the chains of their own embarrassments by listening to false doctrines and false teachers, who mislead them by high-sounding phrases, and abuse their confidence by promises which they are never able to perform.

It is an axiom, I believe, in political economy, that 'if the standard of wants could be raised, the price of labour would rise in proportion, and that if each labourer determined not to render himself unable to gratify these wants, all could command the wages which could supply them.'

There may be districts in which this axiom would not hold good, but amongst skilled labourers it is undoubtedly and almost universally applicable. Still I think we are not at liberty to blame the labourers so much who at present spend their wages so recklessly. We must teach them a better application of them, to attach more importance to the savings of those who pay the rates, since it is principally industry that does pay them, and we must seriously ask ourselves how far we are contributing by many mistaken notions of humanity and of indiscriminate charity to neutralize, if not to destroy, the exertions of self-respect and independence among them. My fear is, that, instead of showing labour how to help itself, and then assisting it, we are assisting it first by every means in our power, and rendering self-assistance almost unnecessary. What are the wages of these industrial and textile districts?

It has been calculated by the present Mayor of Blackburn, who

has well considered the subject, that the cotton operatives, upon the average, receive 10*s.* 6*d.* a-week each person, man, woman, and child, so that if we multiply the number of persons employed within the walls of cotton factories by this sum, we find the aggregate annual wages distributed among them to be 10,500,000*l.* So also, according to Mr. Baines of Leeds, the woollen operatives of the United Kingdom receive annually 2,570,556*l.*, and upon the same principle of calculation, I estimate the wages of workers in worsted at 2,439,577*l.*, in flax at 1,669,449*l.*, and in silk at 857,900*l.*, making a total of 19,037,482*l.*, of which more than one-half is due to cotton.

This is only within the walls of factories. We may double it, and more than that, for all the dependencies without the walls.

I am unable to state the number of persons employed in the various other branches of trade which are more or less connected with the staple manufacture of any given locality, and which advance in numbers with, and are more or less dependent upon, them; but they necessarily bear a large relation to each other anywhere, as for example, where there is coal there is generally iron, and where there is iron there is machine making; where there is manufacture there is dyeing, and so in like manner with a great variety of other trades, out of which spring vast wages, which naturally and almost necessarily follow the marketable rate of wages of those which arise from the staple trade of the place. But I have ascertained that the average rate of weekly wages of workers in metals is 18*s.*, of dyers, 17*s.* 8¼*d.*, of paper makers, 14*s.* 8¾*d.*, of tobacco manufacturers, 26*s.* 11¾*d.*, of fireclay and sanitary pipe makers, 17*s.* 2½*d.*, in chemicals, 26*s.*, in leather, 19*s.* 8*d.*, in oil, 20*s.*, in railway occupations, 16*s.* 11*d.*, and in tailoring and shoemaking, 12*s.*, these two latter being diminished by the Monday holiday, often followed by larger breakages of time for the purposes of dissipation.

We can therefore form an idea, which is sufficient for our purpose, of the aggregate sum distributed weekly over any of these vast areas of industrial life, in which all these trades, as well as many others, are more or less distributed; of the economy which the recipients of it might practise if they were so inclined, and of the results which would assuredly follow if they did.

Let us take, for example, the borough of Bradford with the worsted trade as its staple, in which there is distributed every week 14,272*l.*, and estimating the wages of other branches of industry, such as iron, stone, and coal, upon the principle just mentioned, we may form some idea of the sum which is distributed weekly in this neighbourhood. Should there, then, not be found co-existent with this state of things a wise and prudent economy? Is it asking too much to require it? Why should industry pay the rates for prodigality to feed on?

My regret is not to find it.

In November, 1856, there was only 155,579*l.* 19*s.* deposited in the savings bank to the account of 6668 depositors, including a sum belonging to 47 charitable and friendly societies, amounting to

3159*l.* 14*s.* 1*d.*; the average deposit was, therefore, only 22*l.* 17*s.*, an amount which, however, has increased a little within the last three years, though the average deposits have decreased.

It is true that within the last few years other sources of employment for the savings of the working classes have arisen, such as building societies; but they are not so numerous as materially to affect the question.

In fact, the smallness of the deposits, and the limited number of depositors, compared with the population and its means, are strikingly significant, and but for one's knowledge of the habits of the people would be still more so.

In the worsted trade of Bradford borough, there were employed in 1856 24,761 persons, of whom upwards of 75 per cent. were females and children, earning each upon the average 10*s.* 5¾*d.* a-week. We might therefore reasonably have anticipated larger economical results, and much larger when we consider the aggregate trades of the neighbourhood; for in the worsted trade, though it employs the largest number of persons, the number of females and children lessen the average rate of wages, when compared with those of workers in coal, stone, or iron, in which mainly adult men and boys are employed.

It is true that the number of the depositors in the Bradford Savings Bank has slightly increased within the last seven years, and therefore, no doubt, the increased number of depositors has diminished the general average of the deposits; but if we give to the depositors of 1852 the whole of the deposits of 1859, the average amount deposited then falls far short of what, as it seems to me, it ought to have been with the increased rate of wages, and with the diminished price of bread.

For example now as to wages. In 1832, when long hours prevailed in factories, and in 1859, when reasonable hours were never exceeded, the average rate of wages in worsted was as follows:—

	1832.		1859.	
	s.	*d.*	*s.*	*d.*
Combers in English wool	22	0	—	
„ Saxony wool	28	0	—	
Preparing overlooker	30	0	30	0
Spinning ditto	24	0	27	0
Preparer—woman	8	0	8	0
Full time spinner	5	6	8	0
Short time ditto	—		2	6

We thus see that no class of wages in worsted decreased; whilst two classes, and those of the largest amount of workers in the trade, have considerably increased; and yet between these periods, giving the depositors of 1852 all the advantage of the deposits of 1859, as I have before said, the average would still only amount to 27*l.* 19*s.*

What then becomes of the difference? It is not expended in the education of their children; neither do we see it in any tangible

form; but where it is, and how it is dealt with, are questions for the future labours of social reformers, and, to my mind, are paramount in the science of social life.

That it is not expended on the education of their children is proved by the fact that, upon an inquiry made for me last year by a few certifying surgeons during two months into the reading powers of the persons between thirteen and sixteen years of age who presented themselves to them to be passed for full time work, 49 per cent. were unable to read at all, calling all readers who could read words of one syllable, and with spelling words of two; and by another return, which was made at my request by the certifying surgeons of Leeds, Bradford, and Nottingham, between July 1, 1856, and December 31, 1857, in which it was shown, that during that period 2006 children had been rejected as unfit for work from various causes; and out of the whole number 1797 had been so rejected because offered for full time work by the parents whilst they were still too young, and when in good truth they ought to have been at school.

But it is not only this neglect of the education of their children which is to be lamented, and has to be amended, but the want of a provision for old age; in other words, an absolute reliance for the time when they can no longer work, on the industry of others.

One would scarcely believe that in education and economy the workers of these districts, with their large wages, are not even on a par with the labourers in districts which are almost exclusively agricultural. For example, in Wallingford, in Berkshire; Cirencester, in Gloucestershire; Hereford, Ross, and Leominster, in Herefordshire; Barton-on-Irwell, in Lancashire; and Oswestry, in Shropshire; with an average registration population of 20,751, there were, in 1852, in day-schools, 1 in 11; in Sunday-schools, 1 in 12; in evening-schools, 1 in 276: the average poor rate was 1*s.* 3¼*d.*; 1 in 12 were depositors in the savings banks, and the average deposit was 27*l.* 13*s.* 3*d.* Whilst in the five manufacturing districts of Manchester, Salford, Stockport, Oldham, and Warrington, with an average population of 105,825, there were no more than 1 in 12 in day-schools; 1 in 8 in Sunday-schools; 1 in 267 in evening schools: the average poor rate was 1*s.* 1*d.*; 1 in 11 were depositors in the savings banks, and the average deposit was 27*l.* also.

Thus it is seen that there were fewer in day-schools in the manufacturing than in the agricultural districts, more in Sunday-schools, and nearly the same in evening schools; whilst though the average poor rate was less in the manufacturing districts, as might have been expected, it was not much less; and though the number of depositors was a little larger also, the average amount of each deposit was rather less than in the agricultural districts.

And the more we look at it the more surprising it seems, that the agriculturist with his small wages can and does lay by more than the manufacturer with his large wages, and that even in such a town and neighbourhood as Bradford the depositors in the savings banks have never exceeded, and do not now exceed, 1 in 24 of the population.

There must, then, exist a large and profuse expenditure, or how otherwise is this excess of wages consumed? If you ask those who earn it, they will tell you perhaps that it is no business of yours, or that they pay for their board, lodging, and clothing, and spend the remainder as their fancy dictates.

These have been the answers which have many times been given to me—answers which are indisputable, however unwise and erroneous they may be thought, so long as the labourer keeps away from the poor rates. But if once, as the result of his extravagance and want of forethought, the public industry has to be taxed for his maintenance, any individual person who contributes to those rates has an abstract right to inquire into the cause thereof, and even to compel measures of prudence and economy by the labourer in self-defence. Now it appears to me, and I mention it with the greatest deference, that it is to this kind of domestic and individual economy that social science might wisely and usefully direct its efforts, as the root of all other economies, and of all progress amongst the working classes. That the independence which would be followed by the possession of pecuniary means would react upon the social system there can scarcely be a doubt; and that out of that reaction there would arise, as is the case with the middle classes, a creation of hitherto unknown wants, which would dictate increased exertions, discipline, and perseverance, and a spirit of good will, which would be conservative of the strictest harmony between the employers and employed. I do not stop to argue the question whether or not every man in health, without taking into consideration what the economies of the woman may add to the common stock, might, between eighteen and thirty years of age, accumulate as much money as would render him independent; but I believe he might save (allowing for bad times and sickness) as much as would buy him his own freehold, or as would enable him to commence business on his own account. I am sure he might at the least have a home which he would regard with more attraction than the beerhouse, and that he would invest none of his capital in strikes.

A man from eighteen to thirty years of age, before he has the cares of a family, or whilst his children are still young, may well lay by 3*s.* a week from his earnings, put it in the savings bank, and allow it to accumulate, providing, at the same time, for the usual contingencies of occasional want of employment and of sickness. If he does so, he will at the end of those twelve years find himself the possessor of more than will buy him the cottage in which he lives The average rate of sickness amongst 100,000 men of all kinds of trade and handicraft does not exceed 3 days 20 hours at twenty years of age, nor 5 days 8 hours at thirty years of age. Upon the average, therefore, no workman loses a week's income a year from sickness between and including those ages. Then, although the cycles of good and bad times have come faster upon us, with the increase of capital and machinery, and the losses of time to the workers have thereby come upon them proportionately faster, on the other hand, the varieties of labour have multiplied, and new sources of income have arisen to

complete the original average. There is therefore no valid reason why this economy should not be effected.

Supposing, then, this principle to have been adopted, and the workman to have become possessed of capital, the application of it, of course, depends entirely on the will of its owner. If he does not choose to become a freeholder, he can either put it out at interest or invest it in business. And in these days of progress it is hard to say what is not about to be accomplished, nor what change in the domestic condition of our manufacturing towns and villages may not take place.

In turning over the pages of the Report of the Factory Commission of 1832 for another purpose, my eye fell upon a passage by Mr. Horner, who was the Commissioner for Warwickshire, of some interest to this question. He says:—

'We arrived at Coventry yesterday. There is no great factory in that place where workpeople are collected in considerable numbers. It is the universal practice for the work to be given out to be executed in the homes of the workmen. Except two steam-engines, erected by Mr. Cope for throwing silk, there is no great machinery used in the silk manufacture. An attempt was made some years ago to introduce power-looms, but after the building and machinery were erected, and ready to put into operation in 1831, the weavers of the town attacked the manufactory, and destroyed all the looms, and no attempt has since been made to introduce them.'

The change which has taken place since then in Coventry is quite remarkable, not only in the history of manufacture, but in the condition of the workpeople. There are now five or six large factories full of power-looms, and about 280 of what I have ventured to call cottage factories, with many more in course of erection, in all of which power-looms are now at work, and of which, in many instances, the workmen are the owners, but in all the occupiers are on their own account—nay, in two or three cases, women have partaken of the spirit of adventure, and are proprietors, either in sole or in partnership, of two or three looms each. In truth, these workpeople have become master manufacturers; and where they can supply themselves with the labour of their own families, so that all the wages come under the same roof, they succeed. I merely quote the fact to show what early economy may do for a skilled workman, and that it requires only energy and determination to effect it.

Then with regard to strikes. Once let every workman have money in the savings bank, and there is an end to them. They are of all bubbles the worst—a scheme for everybody to get rich out of somebody else, and nobody to be the poorer. But the fault of strikes lies as much with society as with the men themselves. The wages of the labouring classes have increased with the demand for labour, and we have expected them to use them as if they had all been political economists by intuition. Had we taught them to accumulate their own capital, we should have armed them against all strikes, by enabling them to feel their non-necessity. For if all workmen possessed capital of their own earning, wages could never be reduced. It is only when one

workman is poor and another well-to-do that, after bad times, the well-to-do workman has to succumb to the condition of the spendthrift. If both had had capital alike, the consumer would have had to pay the difference, and not wages. Those who think that such a theory has a tendency to make contention between labour and capital have not, I think, well studied the question, nor the habits of thought of the workman. A workman with a capital of his own earning has as many reasons as he has pounds why trade should be good and wages continue steady. He is the last man in the world to join a strike. His master's interests are identically his. Whatever stops production stops his income, and draws upon his accumulation to supply it. The greatest proof of the unsoundness of strikes is that there was never one yet with a rich workman at the head of it; and there can be no greater fallacy than to follow in the wake of those who have all their lives been poor. In fact, the only true weapon against poverty, unkindness, and tyranny, which are either really or supposedly at the root of all strikes, is that which can be drawn at any moment with a fortnight's notice.

Lastly, a comfortable home has a powerful influence against strikes. If the female workers of this country were wisely educated, so as to make home more attractive, our places of public entertainment would be oftener empty. Our women need to be instructed by women to be mothers, with the attributes of mothers. To sum up the whole question, our position with regard to the social economies of the working classes, and the public and private benefits which would result from them, is analogous to that which is now taken by the directors of certain railways who are making soft seats and cushioned backs to their second-class carriages. They have found it a mistake that because travellers considered themselves third-class passengers, that they should be permitted always to consider themselves so. Their idea formerly was that to make it pleasant to ride in second-class carriages would be necessarily to diminish the number of first-class passengers, overlooking what they now find to be the fact, that as far more people travel third-class than first, so the probability of thirds becoming seconds far outweighed the possible decrease of revenue by firsts becoming seconds. As long as third-class carriages were as good, or nearly as good as seconds, third-class passengers remained thirds, and seconds rode with them; but now that second-class carriages are becoming comparatively as good as firsts, natural and justifiable pride pushes thirds into seconds, and seconds into firsts.

And so with regard to the working classes. We have let thirds consider themselves thirds too long. We have offered them no temptation to become seconds. There has been too great a distance between firsts and thirds. We have forgotten how largely they contribute to the dividend. We must, therefore, increase and encourage their comforts; we must teach them to be economical, that they may be independent. They will then respect the laws, their country, and themselves, and we shall keep our place in the civilization of the world.

On Benefit Societies. By the Rev. Nash Stephenson, M.A., *Incumbent of Shirley, near Birmingham.*

The conditions of industrial success, and the means by which the contingencies of life may be averted, are branches of the subject of social economy now so generally recognised, understood, and acted upon by the upper and middle classes of the community, that failure in life must be generally attributed rather to the neglect or violation of received rules than to the absence of landmarks by which the road to sufficiency and opulence might be seen and followed.

The case is, however, widely different with the industrious classes. The instances of rising above the degree of self-maintenance are rare and exceptional. When the skilled mechanic and artisan have satisfied Nature's demand of food and clothing and the other necessities of life, there remains a surplus that, if privately stored up, can by no possibility of management maintain its possessor through a chronic sickness, or the years of incapacity of labour incidental to a protracted old age. So again, by no industrial effort can the agricultural labourer, be he ever so industrious or economical, forecast to support himself and family through a protracted illness, or maintain himself for any lengthened period, should work become slack and interrupted, or he become unfitted for labour either through accident or infirmity. In fact, at no time can he raise himself more than a degree or so above starvation point, or obtain the modicum of provisions that are allowed in the prison or the union.* With him 'sufficient for the day is the evil thereof.'

Unquestionably the Penny or Savings Bank affords the fittest and safest investment for the savings of the working man, could he be guaranteed against lengthened sickness and unfitness of body for labour. But until such provision is made, it is not possible for the prudent man to divest himself of anxiety in regard to the future. He must ever be under the apprehension that to-morrow may bring the accident or the sickness that will ultimately dissipate his savings, reduce him to the condition of a recipient of parochial relief, and rob him of that honest independence which it has been his life-long struggle proudly to maintain. In the majority of cases such apprehensions will be groundless; but the possibility of their being realized in their own case will induce all who are not deaf to the calls of prudence to avoid the risk, and place themselves beyond the reach of such evils.

It is only by an aggregate of savings in one common purse, out of which the few will receive much, and the many will receive little or

* The average number of a married labourer's household is five, and the weekly wages are 12*s*. The total cost of the maintenance of a pauper in the Union is 4*d*. per day, but this does not include rent. The Union provisions are purchased wholesale, and in the cheapest markets.

nothing, that this security is obtainable, and that effectual provision can be made for the casualties affecting all the contributors. No true economist can then recommend any other investment than the benefit sick club until the wealth actually in possession is sufficient to meet all reasonable claims on wealth; or, in other words, until independence is acquired. As the payments to such a society absorb the little overplus of the great mass of the working population, it is of vital importance to them that the principles of their insurance offices should be thoroughly understood, and that their tables should be based on calculations that are scientific and sound.

The magnitude of the interests at stake is of gigantic proportions, and must affect not only the domestic well-being of the labouring classes, but the industrial well-being of the nation at large. Every village and hamlet in England and Wales has its friendly society, while the towns and cities have them by hundreds. The computed number of members of all the societies is not less than 3,052,000, the amount of their annual contributions is estimated at 4,980,000*l.*, and their accumulated capital at 11,360,000*l.*

And yet to this day, notwithstanding the universality of these societies, the recorded millions of facts that have been ascertained relating to the vital statistics of the operative classes, the known experience of sickness and mortality prevailing in thousands of friendly societies in England and Wales, as computed from the quinquennial returns received by the Registrar of Friendly Societies in England, so little are actuaries capable of imparting reliable information or of authoritatively putting forth tables that may be safely adopted, that scarcely two are found to agree either on the rules to be acted upon, or the payments to be made, or the advantages that in return may be promised.* Having long since agreed to differ on important minor details, the actuaries are at present at issue about first principles. Not content with differing from each other, they now proceed to differ from themselves. Contrast, for instance, the tables issued by the Government actuary in 1847 with those issued by him in 1854. In the former there is a uniform payment at each particular age, whatever be the sex or employment. In the latter there are different tables for light labour, heavy labour, mariners, railway servants, &c., while the ladies are denounced as such slippery customers that no tables can be contrived that will reach their particular case. Take, again, another recent change of opinion. Up to the present date no actuary would certify to sick tables unless the payments proceeded on a graduated scale year by year. The public are now informed that this system is complicated and useless, and that for the different ages between 15 and 60 there need be but four instead of 45 different rates of payment. Let me bring before you another instance, unfortunately within my own experience. Eleven

* Mr. Tidd Pratt, in his evidence before a Committee of the House of Lords, states that there is a very material difference between the tables of the most eminent actuaries; and some tables he can hardly comprehend.—Q. 436, 463.

years since I was actively engaged in the formation of a benefit society for a portion of the county of Warwick. The tables selected had been certified by three different actuaries, and yet these very tables have been subsequently denounced as only in part sound by a fourth actuary, and actually unsound by a fifth. Two years since I forwarded the financial balance-sheet to the original certifying actuary, and am informed that, notwithstanding the prognostications of his brother professors, he is certain that our tables are sound, and that the balance now existing is more than sufficient to meet every future obligation.

It is in no unfriendly spirit that I adduce these facts. I place them upon record in the single hope that they may in some measure be instrumental in inducing the leading actuaries, for their own reputation's sake, and for the public weal, to meet and agree upon model tables, on which the public may confidently rely, and that the House of Commons will, at the public charge, obtain the tables and publish them for the use of a class well deserving the encouragement of the Government of the country, and of every employer of labour.*

While, then, I leave this part of the subject as a *vexata questio* on which I am quite incompetent to offer an opinion, I would proceed to the consideration of some other points connected with friendly societies which may be of interest to any who may be desirous of providing a benefit society for the use of their poorer neighbours, and which may be fairly discussed by non-professionals without trenching on the ground which falls to the peculiar province of the actuary.

NUMBER OF MEMBERS OF A SOCIETY.

Perhaps the number of members that may be deemed most advantageous for the efficient working out of the system of a friendly society will be the first element for consideration in the formation of a new club. If the number of members in any society, which has to depend upon the principle of average be small, there will be a danger of the averages not being worked out; and it may occur that a severe epidemic in a locality might endanger the funds, especially in the early years of a society's existence. On the other hand, there are many obvious objections to societies on an extensive scale, especially if the area be large, and the society consist of many branches. The supervision of the funds in this case cannot be as close and frequent as where the directors are mutually well known to each other, and within easy distance of one central place of meeting. The staff of paid officers must also be on a larger and more expensive scale. The members themselves likewise will not feel the same personal interest in detecting imposition where the balance is apparently large,

* Many of the Continental Governments contribute largely towards the support of friendly societies. In France, at the birth of the Imperial Prince, the Emperor granted 20,000*l.* to friendly societies, and 8000*l.* especially to the formation of pension funds.

as where it is apparently small. Two or three outlying branches may perhaps exercise less care than they ought in the distribution of sick-pay. This carelessness will arise probably from a feeling that they are only a small branch, and that a little indulgence in their case will fall on the general body, and be of little importance to the society at large. Several branches acting upon the same fallacy will speedily produce the mischief to be anticipated from large institutions. For the reasons I have assigned, it would be advisable for a sick club to confine its operations within a range of 70 to 200 members. In the printed evidence given in 1848 before a Committee of the House of Lords, Mr. Tidd Pratt, and the actuaries, Messrs. C. Ansell, G. Davis, and J. Finlaison, entirely concur as to the inexpediency of encouraging large societies, and the preferableness of small societies in which the members individually know each other.* Mr. Ansell states that the large institutions which have come under his notice have almost all failed.

The area to be covered by a society will in great measure depend on the density of population. In proportion to the extent of the area will be the accommodation to members changing their residence, but in proportion to its narrowness will be the increased security of the club. In rural districts the parishes comprising the union will present a ready-made and well-considered district, and the village where the guardians meet, and the day on which they meet, will offer opportunities for meetings and for business that would considerably facilitate the working of the club. Of course it is needless and highly impolitic to establish any outward connexion between the Poor Law and the government of the club.

GOVERNMENT OF A CLUB.

The management of a society should be of a mixed character, and should consist partly of honorary and partly of ordinary members. In every parish there is to be found either the clergyman or some influential layman, who would gratuitously manage the affairs of the club, and attend the quarterly meetings, and conduct the needful correspondence, assisted by an ordinary member, who would act as steward and dispense the sick-pay. By this arrangement the ordinary members would be saved the trouble of correspondence; the loss of time incurred in attending meetings at distant places; and the waste of money and the temptation to intemperance that arise out of meetings at public-houses or inns.† Nor is this all. Under the most economical management there must annually be incidental expenses, such as printing, and wine and other comforts for the sick, perhaps the salary of a paid general secretary, and the cost of the club feast-day, (an indispensable adjunct), that have to be defrayed. The monthly contributions levied on members are exactly sufficient

* See Questions 416, 533, 582, 605, 609.

† Mr. Ansell, in his *Treatise on Friendly Societies*, p. 136, estimates the useless expenditure on this source alone at 250,000*l.*!

for the benefits pledged, and leave no margin whatever applicable to the expenses of management. This item of expenditure must be raised either by an extra contribution, levied for the purpose on the ordinary members, or else by an honorary fund. The former mode of payment is very distasteful to the ordinary members, by whom it can be ill borne, and the latter mode can only be successfully carried out for a continuance where the honorary members participate in the administration of the affairs of the club, and are personally and actively concerned in its prosperity and well-being.

OBJECTS OF A CLUB.

Friendly societies may now be legally established for a variety of objects. In some cases they insure a sum of money to be paid on the birth of a member's child, or as an endowment for the child on attaining the age of 14 or 21 years, or for a certain sum payable on the death of a member's wife. However commendable these or similar objects may be, yet as they do not gain general acceptance, it is questionable whether a sufficient number would be found to insure so as to work out the averages. Moreover, as the funds relating to each object assured must be kept separate, a multiplicity of objects will destroy that simplicity of accounts which is essential to the success of all institutions that deal with the contingencies of life. It will, therefore, be advisable to follow the beaten path of nine-tenths of the benefit societies, and to limit the operations of the society to the three following objects:—1st. WEEKLY ALLOWANCE IN SICKNESS; 2nd. WEEKLY PAY IN OLD AGE; and 3rd. A PAYMENT AT DEATH. On these three insurances I will offer a few remarks.

WEEKLY ALLOWANCES IN SICKNESS.

The ordinary benefit societies generally adopt but one table of payment to the sick, consisting of 6*s.* in the case of the village club, and of 10*s.* in the case of the Odd Fellows. The former payment is insufficient for the wants of the carpenter, blacksmith, and artisan, and the contributions needful for the latter are beyond the reach of the day labourer. A benefit society should meet the wants of the whole body of the industrious classes, and should on this account present the option of 4*s.*, 6*s.*, 8*s.* or 10*s.* weekly sick-pay. With a view to the prevention of fraud, members should not be permitted to insure for an allowance which shall exceed two-thirds of the weekly wages. For a similar reason, it is advisable to admit no children under fifteen, as their illness or inability to work cannot appreciably affect the incomings of the family.

ADMISSION OF FEMALES.

There has arisen of late years a very general and growing apprehension on the part of actuaries as to the risk of admitting female members for insurance in sickness, even with suspension of pay during sickness that may be limited to their sex. If male and female members are to be admitted on the same payments and on equal terms, it

is perfectly clear that the sickness undergone by each sex should be the same, else the sex enduring the most sickness will, by reason of obtaining a larger amount of sick-pay, obtain an undue advantage, and be paying a less sum than is just. But there is much reason to believe that the sickness undergone by females is in excess of that undergone by males. In the county club of which I have had the management for the last eleven years this has been the case, but to no very considerable extent.* Mr. Finlaison asserts that the demand made on the funds by females is heavier than that by males. Mr. G. Ansell asserts that the sickness of females is twice as great as that of males, and Mr. G. Davis informs us that nearly all societies that admit female members fail.† It has not yet been satisfactorily proved that the sickness of the female is more than that of the male. The demands may be heavier, but this may arise from the greater difficulty of a searching examination where the delicacy of the sex is respected, and the greater facility of simulation of any slight derangement of the feminine system. Certain, however, it is that the admission of females into a sick club is not of the same importance to them as it is to the males, seeing that in the case of a woman, when married, there is not a cessation of the means of subsistence when labouring under sickness. Hence it would appear prudent either to admit but a limited number, or to exclude them altogether, or to establish a club in which they alone should be admitted. In any case the sick-pay should be limited to 6*s.* per week.‡

WEEKLY ALLOWANCE IN OLD AGE.

It is not safe to continue the allowances for sick-pay beyond the age of 65. At this period the contributions and allowances for sick-pay should cease, and the pension for old age should commence. It is next to impossible at this stage of life to discriminate between sickness, in the strictest sense of the word, and that infirmity and unfitness for labour, which are the usual accompaniments of advanced years.

Considerable facilities for the purchase of deferred annuities have recently been offered by Government through the medium of savings banks.§ The security in this case is unimpeachable, but there are many grave objections that may be urged against the investment. In the first place the payments can only be made in one sum at the time of purchase, or else once a year at the savings bank—the first mode being impossible, and the second impracticable for a working man.

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* The average was 1 in 7·4 of males, and 1 in 6·4 of females. The supervision has, however, been very close.

† See Report to the House of Commons, Q. 582, 584; and Mr. Finlaison's Report of 1854, p. 8.

‡ The Government returns in France, prepared since 1852, show that several thousand women are united in friendly societies, and that they administer their own affairs, generally without external help, without Government or departmental subsidy.

§ Per Act 16 & 17 Vict. c. 45. The tables may be had at any of the savings banks, or may be found in Mr. T. Pratt's Report of 1857, pp. 74–82.

Then, again, Government transactions are ever dearest in the market, and therefore the single or yearly contribution is much in excess of what is needful for the end proposed, and what private societies would charge. When societies offer deferred annuities or assurances at death, a very considerable income is derived from the large proportion of members, (far exceeding a moiety,) who subscribe towards these objects for a certain period, and then leave the society without having received anything in return. Promoters of clubs, then, who believe in the safety of their tables and the soundness of their rules, would act wisely for the members in granting annuities and death payments, and not foregoing so fruitful a source of profit.

PAYMENT AT DEATH.

The duty of managers in conducting this branch of a society's operations is remarkably simple. They have only to take care that the person effecting an assurance is in a sound state of health at the time of enrolment, and then to ascertain whether he is alive or not when the claim for payment is preferred. The horrible disclosures made some time back of extensive child-murder for the sake of burial money should serve as an additional reason to the one I have already given against the admission of members under the age of fifteen.

INSURANCE FOR OLD AGE PENSION COMPULSORY.

If the selection of tables is left optional with the members, it will be found that well nigh the whole will insure for payment in sickness, a considerable number for assurance at death, and a very small proportion indeed for a pension in old age. The reason of the general distaste for the deferred annuity table is founded on very obvious grounds. The benefit to be reaped is very remote and uncertain. The uncertainty rests, not only on the laws of mortality, which are much against the insurers, but on their making good their payments through a long series of years, and, to a certain degree, on their continued residence in the locality of their club. The contributions for the annuity likewise appear heavy, especially when contrasted with those needful for a weekly allowance in sickness. The day labourer of thirty will be somewhat startled at the demand of a monthly payment of 1*s.* 11½*d.* for a period of thirty-five years for a weekly pension of 5*s.* after sixty-five, and at the fact that the trivial monthly contribution of 7*d.* will insure him a weekly allowance of 5*s.* during sickness till sixty-five. But, notwithstanding these drawbacks and this reluctance, the promoters of clubs should pause before they countenance and adopt a system which will unquestionably consign the mass of members who enrol to helpless poverty or the workhouse, at a period of life when they most need assistance, and are incapable of caring for themselves. The old age pension is the most valuable part of the system, and the general adoption of it would extinguish nearly a moiety of the pauperism of the country. The most vigorous and determined efforts should be made to carry this point, and in all cases I would urgently recommend that the insurance of an annuity in old

age should be rendered obligatory on all who insured for an allowance in sickness. Practical experience enables me to state that by firmness and perseverance any difficulty on this head may be overcome.

INVESTMENT OF FUNDS.

Societies that have not been certified or registered by the Registrar-General can neither sue or be sued, and, in fact, have no legal status; their property at all times being at the absolute disposal of the parties in whose name it is invested. Certified or registered societies are empowered, under a recent Act of Parliament (18 & 19 Vict., c. 63), to invest their savings in mortgage on freehold land and on other securities. By so doing it is quite possible to realize a larger amount of interest than by investment in Government securities, but the trouble, expense, risk, and responsibility of any investment except the savings bank (which, in fact, affords Government security) are but indifferently compensated for by the few additional pounds that may be gained.*

Hitherto friendly societies have been considered in their various bearings only in relation to the industrious classes, but their effect is felt by the whole community. It is the direct pecuniary interest of every ratepayer to promote in every possible way the formation and extension of benefit clubs. Every member of the club is placed above the reach and need of parochial relief. If medical assistance, and payment during sickness, and a pension in old age, and a certain sum at death be secured by a society to all within its ranks, it must inevitably follow that the poor-rates in the district of a society must be certainly and considerably diminished. These are directly plain and by no means insignificant benefits. But the moral effect produced by the existence of a society will be more beneficial than even the pecuniary advantage. By the establishment of institutions of this character we raise up a class of men who will spurn parochial relief, and we shall thus more effectually diminish pauperism than by the enactments of any poor laws, however stringent they may be. We elevate the moral man, and raise him in his own estimation and in that of others, and we lay the foundation for motives and actions that are higher, and holier, and better in their ends. Let the philanthropist then, while he continues to improve the prison discipline, and the convict system, and the reformatory schools, spare rather more of his time and his funds in the promotion of benefit societies. Most assuredly he will find it an easier task to mould the raw material than to mend the manufactured rascal, and it is unquestionably certain that the untainted class have a claim on his consideration prior to the class that has graduated in crime.

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* A high rate of interest is by no means needful, as the actuaries have calculated the tables on the rate of savings' bank interest.

Benefit Building Societies. *By* J. ARTHUR BINNS, *Bradford.*

LITTLE is known of the early history of building societies. Their importance was not recognised until they had become numerous, and no one seems to have traced the steps by which they emerged from obscurity. Editors of encyclopædias have not yet thought them worth the dignity of an article, and professed writers on the subject have, wisely enough, concerned themselves more with the scientific principles on which they are based, and the precautions necessary for their safe and profitable management, than with inquiries into their origin.

Originally, doubtless, they were simple enough in their character. A number of persons desired to live in their own houses instead of paying rent. They associated themselves together, clubbed their contributions, bought land, built houses, and each took one. These clubs were very numerous in large towns. Bradford has had many of them. But it soon became evident that societies might be constituted which should not require the whole of the members to build, which should consist, in fact, of persons desiring to invest money at a rate of interest rather higher than was obtainable in savings' banks, and of others to whom the money so invested should be lent for the purpose of building or purchasing property. Investors and borrowers were both required to pay certain fixed monthly contributions, until the former had realized their shares, and the latter had repaid with interest what had been lent to them. In 1836 an Act of Parliament was passed recognising the existence and usefulness of building societies, and declaring it expedient to afford them encouragement and protection. From that time they have rapidly increased in number, and their transactions have become annually more extensive and important. Mr. Scratchly estimates that, in 1850, there were 1200 in existence, with an aggregate annual income of 2,400,000*l.* I have no data on which to found an estimate of their present business throughout the kingdom, but there can be no question that it is far in excess of the figures for 1850.

The present building societies are of two kinds—terminating and permanent.

A terminating society is calculated to end at a certain specified time—ten, twelve, or fourteen years—when it is assumed that all the shares subscribed for will be realized. The term fixed is the period necessary for the accumulation at compound interest of a fixed monthly subscription to the full value of a share. Thus a period of nearly fourteen years being required for the accumulation of 120*l.* by a contribution of 10*s.* per month at 5 per cent. compound interest; a terminating society for 120*l.* shares must necessarily exist that time. The money received from members is invested on security of real property, principal and interest being repayable by monthly instalments. But it was found in practice, that in the earlier period of a terminating

society, it was impossible to obtain sufficient money for borrowers, and that in the later years borrowers could not be obtained for the money in hand. It was necessary for persons who joined the society after its commencement to pay up the back subscriptions, or their shares could not be realized in full; while with every year of the society's existence the rate of repayment for advances was increased. Then, as investing members were deterred from joining the society, borrowers were sometimes compelled to wait for years before they could obtain an advance, except they purchased at an extravagant premium from some person who preceded them on the rotation list the privilege of taking his place.

Permanent societies possess considerable advantages over those founded on the terminating theory. There are no back payments. So far as each member is concerned, the society commences with his entrance, and terminates on the realization, withdrawal, or other determination of his shares. A constant accession of new members renders it easy to obtain money sufficient to meet the needs of borrowers, while in consequence of the easy and numerous modes of repayment there is little danger of the funds remaining long unemployed.

The practical difficulties in the way of terminating societies have led to their discontinuance, and others, founded on the permanent principle, have taken their place.

I propose to explain in some detail the working of the 'Third Equitable' Society in this town, because, having been intimately concerned in the management from its formation, I can speak with the confidence of personal knowledge, and because I believe it to combine most of the improvements which experience has proved to be safe and desirable. What I say will, however, be applicable in the main to other permanent societies.

Its operations are divided into two great branches—the investing and borrowing departments.

First—as to investors. The majority of the members are those who contribute monthly a portion of their earnings as subscriptions on shares. This class, for the most part, consists of persons in the receipt of weekly wages. The average amount contributed by each member is about twenty-five shillings per month, though there are individual subscriptions as low as one shilling. Five per cent. compound interest is allowed on these deposits. Should a member find that he is unable to continue his subscriptions, in consequence of sickness, temporary loss of work, or unforeseen expenses, he is not obliged to withdraw the amount already accumulated, or subjected to heavy fines for nonpayment. It has been considered right to permit a contributor to suspend his payments, if necessary, and leave the sum standing to his credit in the funds at interest. This plan has been found to answer admirably. Great numbers have availed themselves of the permission, and there can be no doubt that large sums of money have been saved to members which would have been withdrawn and spent had the owners been liable to fines for inability to pay more.

A second mode of investment is by what we call 'deposit subscriptions.' In this department members are permitted to deposit sums of not less than 5*l.* at any time. There are no fixed days of contribution, consequently the subscriptions cannot fall into arrear, and no fines can become due. This branch is well adapted for tradesmen, and persons whose incomes are liable to fluctuation, as it provides them with a safe and ready means of profitable investment for their surplus funds. Compound interest at 5 per cent. is allowed.

The members in these two classes, with borrowers, so long as their advances remain unpaid, constitute the society. They are all eligible for office. Investors are required to give a month's notice before withdrawing their subscriptions, and one per cent. is charged for management expenses on all sums withdrawn or advanced.

Another mode of investment remains—that of loans. The depositors in this class are not considered members; they cannot hold office, nor are they liable to any deduction on withdrawing their money. Four per cent. interest is allowed to them, and they are permitted to withdraw sums not exceeding 50*l.* a week, without giving notice. This department is largely used by tradesmen, friendly societies, &c., who desire their funds to be productive, and yet to remain speedily and easily available for emergencies.

The amount received on loan at 4 per cent. is invested by the society at 5, and is, therefore, a source of considerable profit. The balance of loans now employed in the funds of the 'Bradford Third Equitable,' is above 27,000*l.* and the balance sheets of other societies in the neighbourhood show an equally satisfactory position.

The rate of interest allowed varies in different societies. In Bradford the rule is 4 per cent. on loans, and 5 per cent. on regular subscriptions. In Leeds and Halifax the interest is 10*s.* per cent. lower in both departments, namely $3\frac{1}{2}$ and $4\frac{1}{2}$. Of course in all cases the interest paid by borrowers is equal to that allowed to investors.

The money raised in these various ways is invested on security of real property. The mode in which advances are made is this. A person who wishes to borrow places his name on a list kept at the offices, money being advanced to members in the order of application. He furnishes on a form specially prepared a statement of all necessary particulars respecting the property offered as security, and stating the amount he desires to borrow. The property is inspected by the society's surveyors, who report as to its value. The society's solicitor examines the title, and certifies as to its sufficiency. The directors then decide what amount shall be advanced, and the security is completed. If the property consists of land merely, or of buildings already erected, the whole amount lent is advanced at once to the borrower. But in many cases he requires the advance to enable him to complete his buildings. When this is so the money is advanced from time to time, on the certificate of the surveyors as to the satisfactory progress of the work, never exceeding 75 per cent. on the value of the work done.

The arrangements of the society are such as to enable a member to

repay his advances in almost any period he chooses to name. It has power to lend as if it were a private mortgage, requiring the payment of interest merely, but it has hitherto always required the amount of principal to be reduced annually, if only at the rate of one or two per cent. The usual period of repayment is thirteen years and ten months, which is effected by the annual repayment of 5 per cent. upon the principal advanced, and 5 per cent. interest. If, however, a member finds that he is able to repay in a shorter period than he originally intended, he may, by arrangement with the society, increase his subscription, so as to complete his repayments at an earlier date, or discharge the whole by paying the then present value of the future subscriptions due from him.

Sometimes a member finds, after receiving his advance, that he is unable, without exceeding difficulty, to continue his payments at the full rate of 10 per cent. per annum. The directors have power in such cases to reduce the monthly contributions to any sum not less than 5 per cent., upon the balance due, either temporarily or permanently, should they consider it wise to do so. It will be seen that this is in reality extending the principle of suspension of contributions to advanced as well as unadvanced shares, and so long as the society receives the interest due, with a small annual contribution in reduction of the principal, it cannot run any risk of loss, if its advances have been made with ordinary prudence.

So far as I am aware, this plan of suspension of payments is peculiar to Bradford; suspension on advanced shares being confined to the 'Third Equitable.' It has worked well, and has been found to promote the prosperity of the society generally, as well as to meet the necessities of individual members. There can, I think, be no doubt that all societies would find it an excellent addition to their rules. Many a poor man, whose property, but for this just and merciful provision, would have been sold for nonpayment, has been enabled to preserve it through the pressure of a critical time, and afterwards to resume his contributions as usual.

The opportunity of saving which these societies afford is a great boon to working men. They cannot possibly have large sums in their hands at once; the sovereign in the drawer or on the cupboard shelf is too accessible to be kept long. The small balance remaining out of their weekly wages would soon disappear were there not some safe place of deposit out of immediate reach. Many object to savings banks because of the low rate of interest, and because the depositor is altogether powerless in the management of the institution to which he trusts his all. Building societies precisely meet the requirements of this class. The first payment is productive, and every succeeding one improves the investor's position, while the determination to save is strengthened by every month's deposit. A payment of 10*s.* per month is worth in one year 6*l.* 3*s.* 3*d.*, in five years, 35*l.* 2*s.* 9*d.*, in seven years 50*l.* 7*s.* 5*d.*, in ten years 77*l.* 19*s.* 3*d.*, in fourteen years 121*l.* 16*s.*; 37*l.* 16*s.* of which is interest. I need not point out the fertility of use which characterizes the money, once accumulated.

Borrowers well know their benefits. They know that the money cannot be called in so long as they fulfil their engagements. They are exempt from stamp duty on all transactions with the society, and a simple receipt supplies the place of a re-conveyance when the loan is paid off. They know, too, that by a gradual repayment a little in excess of the rents accruing from the property, they are certain within a limited period to possess it absolutely.

It is obvious, from what has been said, that building societies are much more than societies for building. Thus a person may invest who has no intention either to purchase or erect property, while another may borrow for any purpose so long as he gives the society real security for the loan. The borrower may apply the money to the extension of trade, or in any other way at his pleasure.

Mr. Dibb, the deputy registrar of deeds for the West Riding, speaking of the rapid growth and valuable influence of building societies, says, in a paper read before the British Association in 1858—'Beginning with the year 1843, the operations of building societies have gradually assumed some importance. The number of deeds annually registered since that date has risen from 31 in the year 1843, to 637 in 1857, the largest number being 682 in the year 1855. The total of the last fifteen years is 4608, that is to say,—

In the five years from	1843 to 1847	they were		192
" "	1848 " 1852	"		1372
" "	1853 " 1857	"		3044
		Total		4608

We shall not be far wrong in assuming the numbers registered in 1858 and 1859 to approach 1000 in each year. Mr. Dibb adds:—'This system of saving by the working classes, it must be obvious, is a very important one. Its tendency must be to raise the character and condition of the operative; to increase his repugnance to strikes, and to relieve the pressure on the poor-rate in times of distress. The operative who has practised the habit of saving for this particular object will probably not shake it off the moment he has secured it, but will continue the practice for other good and useful purposes, as, for instance, the better education of his children.'

A few facts as to the business done by the more important societies in this neighbourhood may not be without interest.

The 'Leeds Permanent Building Society' was established in 1848. It has received in subscriptions no less than 519,568*l.* in loans 103,226*l.* It has advanced on mortgage 340,692*l.* The cost of management has been 8102*l.*, being 1*l.* 5*s.* 4*d.* per cent. upon the receipts.

The 'Bradford Second Equitable' (Permanent) was established in 1851. The subscriptions have been 129,364*l.*, its loans 104,261*l.*, its advances 121,398*l.* The cost of working has been 2048*l.*, or 17*s.* 1*d.* per cent. upon the receipts.

The 'Halifax Permanent' was started in 1853. The subscriptions

amount to 94,130*l.*, its loans to 71,354*l.*, its advances to 99,882. Its management expenses have been 2351*l.*, being at the rate of 1*l.* 7*s.* 7*d.* per cent. upon the receipts.

The 'Bradford Third Equitable' (Permanent) was founded in 1854. The subscriptions have reached 66,867*l.*, the loans 64,659*l.*, the advances 72,115*l.* The cost of management has been 913*l.*, or 13*s.* 7*d.* per cent. upon the receipts.

To sum up. The total sum which has been deposited in the four societies is 1,179,790*l.*, of which 222,522*l.* was received last year. The average annual receipts are about 150,000*l.* The total of the advances on mortgage is 632,457*l.*

It is not difficult to account for the favour with which the working classes look upon these societies. They are profitable, certainly, but there are other reasons. The members meet each other on equal terms, and are free from what they consider the degradation of patronage. They appoint their own officers, and each man feels that no matter what his position may be outside, he stands within on the same level with all the rest. This feeling of independence ought to be cherished. It creates a consciousness of responsibility, and developes a capacity for self-government which is of the highest possible value. It is therefore to be hoped that in any future legislation on this subject there will be no attempt at interference from without. Any such attempt would rouse the keenest opposition, and, if successful, would inflict a severe blow upon the prosperity of those valuable institutions. Mr. J. Stuart Mill, in his chapter on 'The probable future of the Labouring Classes,' says—'To their own qualities must now be committed the care of their destiny. . . . . Now, when even in position they are becoming less and less dependent, and their minds less and less acquiescent in the degree of dependence which remains, the virtues of independence are those which they stand in need of. Whatever advice, exhortation, or guidance is held out to the labouring classes must henceforth be tendered to them as equals, and accepted with their eyes open. The prospect of the future depends on the degree in which they can be made rational beings.' Those who best know the working classes will most heartily assent to this.

The beneficial action of such associations can scarcely be exaggerated. They foster a spirit of self-denial, of prudence, and forethought. By increasing each man's interest in the State, they directly promote the stability and permanence of its institutions. Still more, I believe them to exercise a powerful educational influence, to teach, in the long run, self-control and mutual forbearance, thus contributing, above and beyond their financial uses, to the intellectual and moral elevation of the people.

BUILDING SOCIETIES.

Table Showing the Amount of Business done in Four Societies in Bradford, Halifax, and Leeds.

	Last Year's Business.					Total Business from Commencement.				
	Bradford.		Halifax.	Leeds.	Totals of the Four Societies.	Bradford.		Halifax.	Leeds.	Totals of the Four Societies.
	Second. Est. 1851.	Third. Est. 1854.	Est. 1853.	Est. 1848.		Second. Est. 1851.	Third. Est. 1854.	Est. 1853.	Est. 1848.	
Total members entered	—	433	373	—	—	2,201	1,829	2,725	12,312	19,067
,, who have received advances	—	58	53	—	—	426	331	329	1,230	2,316
,, shares entered	876	971	844	2,571	5,262	6,625	4,252	5,098	25,968	41,943
,, ,, advanced	291	351	258	579	1,479	2,118	1,171	1,607	5,493	10,389
	£	£	£	£	£	£	£	£	£	£
,, subscriptions received	24,842	20,948	25,868	71,399	143,057	129,364	66,867	94,130	519,568	809,929
,, ,, ,, per member	—	—	—	—	—	58	36	34	42	42
,, amount advanced	20,797	23,263	18,523	35,030	97,613	121,398	72,115	99,882	340,062	632,457
,, ,, ,, per member	—	—	—	—	—	285	218	303	276	272
,, ,, of loans received	15,067	24,335	17,260	19,287	75,949	104,261	64,659	71,354	103,226	343,500
,, expenses paid	291	250	559	1,014	2,124	2,048	913	2,351	8,102	13,414
Per-centage of expenses on total receipts	14*s.* 4*d.*	10*s.* 10*d.*	25*s.* 4*d.*	22*s.*	18*s.* 2*d.*	17*s.* 1*d.*	13*s.* 7*d.*	27*s.* 9*d.*	25*s.* 5*d.*	20*s.* 11*d.*
Gross total receipts	40,464	46,150	43,997	91,911	222,522	239,308	134,177	169,240	637,065	1,179,790
PRESENT POSITION OF THE SOCIETIES.										
Number of members	—	—	—	—	—	1,086	1,248	—	—	—
,, shares	—	—	—	—	—	3,143	3,146	2,673	8,779	—
						£	£	£	£	
Amount owing by borrowing members	—	—	—	—	—	75,982	68,790	62,984	167,998	—
,, ,, to investing ,,	—	—	—	—	—	34,085	43,904	27,394	106,372	—
,, of loans owing	—	—	—	—	—	43,107	27,868	37,908	52,383	—

MISCELLANEOUS.

On the Jurisdiction of Justices of the Peace in Disputes between Employers and Employed arising from Breach of Contract. By A. EDGAR, *Barrister-at-Law.*

THE relation of master and workman is founded on the contract of hiring and service, and, as a general rule, that contract can only be enforced by the ordinary civil tribunals. Both parties, according to the wise and liberal principles of the common law, are treated as the parties to any other contract. But the legislature has given jurisdiction to justices of the peace, in a great variety of cases, to enforce the contract against the workman in a summary manner, and to treat its breach as a criminal offence. By the statutes on this subject, agricultural labourers, and a variety of artificers engaged in the different manufactures of this country, if they have contracted in writing to serve any person for any time, and do not enter on such service according to the contract, or, if having so contracted, whether in writing or not, and entered on the service, they absent themselves before the term is completed, or neglect to fulfil the same, or be guilty of any other misconduct in the execution thereof, may be apprehended on the warrant of a justice, and, on proof of not having fulfilled the contract, or of having been guilty of any such misconduct, may be committed to the House of Correction for any period not exceeding three months. Nor does such imprisonment put an end to the contract, it having been unanimously held by the Court of Queen's Bench in *ex parte* William Baker, 26 L. J. M. C. 193, that under 4 Geo. 4, c. 34, an artificer who has been convicted and imprisoned for absenting himself from his master's service, and who after his discharge from imprisonment refuses to return to the same service, may again be convicted and imprisoned for the offence of absenting himself from the said service. In the same case, in the Court of Exchequer, Baron Martin expressed a doubt on this point, and Chief Baron Pollock took an opposite view to that of the Queen's Bench, but the two other judges supported the latter decision, although the warrant of commitment was held bad on other grounds. The weight of authority is therefore in favour of the view of the statute which is most opposed to the interests of the unfortunate workman. True it is, that if any agricultural labourer or artificer, as above-mentioned, complains of any mis-usage, refusal of necessary provisions, cruelty, or other ill-treatment on the part of his employer, he may summon such employer before a justice of the peace, and, on proof of the matter of such complaint, may obtain his discharge from such employer. But how differently is the employer, guilty of a *quasi* criminal matter, treated from the workman who has merely broken a contract. The employer is to be summoned to appear—the

workman is to be apprehended on a warrant. On conviction of the employer, the contract is merely to be put an end to; on conviction of the workman, he may be condemned to hard labour. Facilities are no doubt given for workmen recovering their wages by a summary proceeding before justices of the peace; but since the institution of county courts this is an advantage which cannot be considered as of much value.

But passing over all considerations of reciprocity, the important question is, how far it is just and expedient that agricultural labourers, and the different classes of artisans mentioned in the statutes, should be subject to a peculiar jurisdiction in respect of contracts with their employers, and to criminal punishment for the breach of such contracts? The ground on which the existing law is commonly supported is the inconvenience that would be occasioned by agricultural labourers or artisans refusing to work at times when the delay of a few days or hours might cause immense injury to their employers, for which no damages to be given for the breach of contract would afford an adequate reparation, and where the parties who would be liable to pay such damages as might be recovered, have not the means of doing so. With great submission, however, this view appears to me to overlook the consideration that there can be no inconvenience greater than injustice. The real question is, not what may be of advantage to agriculturists and manufacturers, but what is best for the whole community, and what is just towards workmen themselves. It cannot but be regarded as a serious evil that any one class in the community should be subject to a different law from the rest; and there can be little doubt, looking merely to the cases that are reported in the newspapers, that the system is liable to great abuse. The justices of the peace, in the agricultural districts at least, are generally in the interests of the employers. The workmen feel that they are under a hard and unequal law, administered by a not very impartial tribunal; and it cannot be questioned that the whole system tends to increase the discontent and dissatisfaction which prevail among the working classes, and which form a powerful impediment to their moral and social progress. There can be no doubt as to the existence of this feeling in the agricultural districts, and there is too much reason to fear that it is to be found amongst our manufacturing population. Even independently of any such consequences, the whole thing is to my mind strikingly unjust, and savours of the very rudest policy. As Chief Baron Pollock said, in delivering judgment in *ex parte* William Baker, 26 L. J. M. C., 155:—'I cannot but think that this mode is about as inconvenient and as improper an instrument to enforce a contract as can be well devised. The treadmill is, in my opinion, a very bad instrument for enforcing the labour of the people of England from day to day, and from month to month.'

Nor, on the other hand, with reference to the interests of the employer, can it be any reparation to him, after the contract is broken and the damage done, that the workman is liable to be impri-

soned with hard labour. All the arguments in favour of the system point only to its deterring effects. But these would arise to as great a degree as can be expedient, if the only remedy were by process in the county court for the recovery of damages, enforceable in the ordinary manner. It cannot be supposed that if justice be done to the working men of this country, it is necessary that they should be kept to their duty by the lash held over their heads. If such necessity exist, employers would do well to consider whether they are really enjoying the benefits of free labour, and whether some mode of organizing labour is not necessary for the interests of all parties. One thing I venture to think, that it will be impossible to maintain the present system in the face of the rising intelligence and advancing social condition of the working classes.

The same considerations of course apply to the provisions of the 6 & 7 Vict. c. 40, with respect to breaches of contract by workmen in woollen manufactures, in not preparing, working up, or manufacturing materials delivered to them, and returning the same, &c., and also to the provisions of the 39 & 40 Geo. III., c. 77, with respect to breaches of contract by workmen in mines in not raising the ore according to the terms of the agreement, &c.

It may be added that it is questionable how far it is proper to retain the existing provisions for the conviction and punishment of embezzlement of materials and tools entrusted to workpeople of various trades, the 20 & 21 Vict. c. 54 having rendered all bailees fraudulently converting the property entrusted to them guilty of larceny.

With regard to the Truck Act, I would not say anything further at present than merely to suggest, whether the benefits derived from it by the artisans in the occupations to which its provisions apply, are not more than counterbalanced by the evils which any special system of protection is sure to produce to those who enjoy its supposed benefits, and whether it is entirely favourable either to the true welfare or the real independence of workmen.

Of the extent to which the special law relating to the contracts of employers and employed is brought into operation, I am not able to give any exact information. The judicial statistics for 1857 and 1858 class together all summary convictions relating to 'servants, apprentices, and masters,' and present the following results:—

	Persons Charged.	Convicted.	Imprisoned.
1857	9687	5373	1425
1858	8301	5542	1367

No attempt is made in these returns to distinguish convictions for breach of contract from convictions in other cases where masters and servants are concerned; and I have no means of forming an estimate of the proportion which the former bear to the whole.

But to whatever extent the system may be practically applied, I am prepared to maintain that the plan of a special jurisdiction and of a special remedy in the case of agricultural labourers, and the various classes of artisans enumerated in the statutes, is objectionable, as

opposed to the principle of equality which ought to pervade our laws; that it tends to produce bad social effects on those classes of workmen to whom it applies, and that it is of no real benefit to employers themselves. The subject is well worthy of the attention of this Association, and it would be well if at our next meeting it could be taken up by some one more acquainted with the practical operation of the system than I can pretend to be.

Obstacles to Cottage-building in Scotland, and how to remove them. By James Begg, D.D., *Edinburgh.**

One of the greatest social evils in Scotland is the state of the accommodation provided for the working classes in the rural districts. Even where cottages exist for the farm labourers, they are often most inadequate, both in point of number and quality; but over a large portion of the north-eastern district of Scotland the ploughmen and other servants are accommodated in huts, called bothies, or in farm-kitchens and stable-lofts, under the impression that economy is thereby secured, both in the expense of erecting cottages and in the cost of supporting the families of married ploughmen.

This state of things, however, has partly arisen from the circumstance that the large farm system is of comparatively recent origin in the north of Scotland, whereas it has long prevailed in the south, and had its origin there at a time when the comfort and morality of human beings were held in higher estimation than at present, and the one element of rent and profit did not swallow up every other consideration. The plan of sweeping down all the cottages and banishing the people to make way for the large farms proceeded indeed upon a mistake—the mistake of supposing that fewer hands would be necessary to work the large farms than the number of small ones of which they were composed. It turns out now, on the contrary, that where modern farming is carried to its highest perfection, as many hands are necessary as ever. A number of clumsy expedients have been resorted to to remedy this original mistake, by procuring colonies of Highland girls and of Irishmen at certain seasons to supply the lack of labour, with great injury to public morality. But the true explanation of the want of ploughmen's cottages in certain districts, or their miserable quality in others, is mainly an idea of false economy. The landlords desire to secure as large rents as possible at the least possible outlay; the farmers to make as large profits as possible—in both cases, with very little consideration in regard to the general morality of the country. Good stables and cow-houses are found to be essential to first-class farming, and each horse must have a separate stall lest they should injure each other. To kill a horse or cow by bad ventilation or neglect is a costly affair, and must therefore be avoided; but

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* See *Transactions*, 1858, p. 621.

to kill or degrade men, although it ultimately tells fearfully upon the state of the nation, does not tell at once upon the purse of the individual landlord or tenant.

The bothy system prevails more or less in the eastern and north-eastern districts of Scotland—in East Lothian, Fife, Angus, Kincardine, Aberdeen, Banff, Moray, and Caithness, and partially even in other counties. In 1841, in 30 parishes within the bounds of the Synod of Perth and Stirling, 825 men, almost all unmarried, were lodged in bothies. In Aberdeenshire there are at present 99 bothies inhabited by 569 males and 159 females. In East Lothian there are not fewer than 600 Highland girls lodged in bothies. The prevalence of bothies is sometimes very great even in single parishes. In the parish of Wick there are 21 bothies, containing 77 young men and 65 young women. But in many other parts of the country the cottages, with only one apartment, and often damp and pestilential, afford scarcely better accommodation, and are scarcely more favourable to morality.

This state of things is all the more remarkable when it is notorious that the land rents in Scotland are unusually high, and have of late been rapidly increasing. Farms are no sooner out of lease than 30, 40, and 50 per cent. of increased rent is often obtained. A case was stated of late of a property bought near Dumfries, about a century ago, for a charitable trust at a cost of 1000*l.* It was lately let for 800*l.* a-year, making the value about 20,000*l.*, being twenty times as much as the original cost. The author knows of another case, in the north of Scotland, of an estate bought for a charitable institution for 9000*l.* It now lets at 4000*l.* a-year, and is supposed to be worth about 115,000*l.*, being twelve times its original cost. A similar increase of value must have taken place on the arable land in most parts of Scotland, and it seems but reasonable that the paltry sums necessary to build cottages for the ploughmen, by whose industry and skill this vast increase has been produced, should not be grudged. This is all the more apparent when it is considered that much of that land was originally obtained for nothing by Royal grant, or from the immense spoils of the Romish Church at the Reformation.

The time seems to have fully come when the matter must be taken up in earnest, and an effectual remedy found for the existing evils. Every man in the kingdom is interested in the issue. The astounding illegitimacy which prevails in many of the rural districts of Scotland is, without doubt, to a large extent traceable to this cause. It appears from the Registrar's Report for 1858 that during that year 9256 illegitimate children were born in Scotland. This would give in ten years 92,560, or, in round numbers, nearly 100,000 bastards, or a number equal to the population of one of our great cities. Now, apart from the immense sin implied in this, we have here a vast crowd of beggars and vagrants deprived of all parental care and control. The present state of matters is also closely connected with the recent increase of poor's rates. Illegitimacy alone is a vast cause of this increase; but the degraded houses of the people have also greatly tended

to lower the spirit of the modern Scotch, insomuch that whereas at one time they applied to the parish for aid with the greatest reluctance; they have now little hope in many instances but a life of toil and an end in the poorhouse. Hence the rapid and startling increase of poor's rates. From 1807 to 1816 the average amount of assessment for the poor of all Scotland was only 49,718*l.* 10*s.* 5¼*d.* Even so late as 1835-6-7 the average amount was only 77,239*l.* 19*s.* Last year the amount expended in connexion with the poor was 640,700*l.* 15*s.* 1¼*d.*, being an increase within twenty years of more than 550,000*l.*, and the amount is steadily and annually increasing, without apparently producing any effect in the way of abating the evil or elevating the population. The whole assessment for the poor in Scotland twenty years ago was about 77,000*l.*; last year the expense of management alone was 66,307*l.* 0*s.* 10¼*d.* The miserable accommodation for ploughmen and other labourers in the rural districts of Scotland has also led to an extensive system of emigration, and many of the best of the rural population of Scotland are now in Canada, Australia, and New Zealand. In such sad results the entire kingdom is interested.

The difficulty, however, of securing a remedy is great, but by no means insuperable. The estates of Scotland are, to a large extent, held under a strict entail; and by a very singular recent decision of the Court of Session, it has been found that under the existing Entail Acts the estate may be burdened with a large portion of the expense incurred for a variety of other alterations, including the erection of dog-kennels, but that no entailed estate can be burdened with the expense of labourers' cottages. The Court have found that this cannot be regarded as any 'permanent improvement' of the estate. Very likely the House of Lords would have overturned this judgment, but it is better to have the matter definitely settled by an Act of Parliament; and accordingly Mr. Ewart, the member for Dumfries, has given notice of a Bill in Parliament for the purpose of removing the exception in question, and of making it possible for the proprietors of entailed estates to build cottages for agricultural labourers, and burden the estate with a considerable proportion of the expense. This of course would do something towards abating the existing evil. But important although it is, it by no means goes far enough. Many of the entailed proprietors of Scotland are greatly encumbered with debt, and even if they were allowed to burden their estates with two thirds of the expense of erecting cottages, many of them would find it difficult to provide the other third necessary, and thus the Act might be to a large extent inoperative. It would therefore be only just to change entirely the existing exception, and instead of making the erection of cottages for farm labourers the only expenditure with which an entailed estate cannot be burdened, make it the only improvement, for the whole cost of which the estate can be made chargeable. In that case the existing proprietors could have no excuse for refusing to discharge an obvious duty. The only party to complain would be the

heir of entail, and such a complaint should not for a moment be listened to in opposition to the claims of justice, the substantial interests of the property, and the welfare of the entire community. Let it be the law of Scotland that every entailed proprietor shall have power, if necessary, to burden his estate with the entire cost of erecting as many cottages, with at least two or three apartments, as there are ploughs required to cultivate the land, or men required to superintend the cattle.

This would be a great step in advance, but still it would not be sufficient. It is absolutely necessary to provide that the work shall be done by appointing superintendents of cottages. We have now Government inspectors of mines, and factories, and emigrant ships. We have public officers to see that the poor get justice, that criminals are comfortable, that lunatics are duly cared for. The selfishness of human nature has made all this necessary, and the atrocious abuses which have taken place in regard to rural labourers demonstrate the necessity of some public interposition on the side of justice towards them. Our legislation has in truth begun hitherto at the wrong end. It is ludicrous to see the anxiety of the nation that its criminals and paupers should be accommodated in comfortable hotels, thoroughly drained and heated to the proper temperature, and all this at great expense; whilst the hard-working honest men of the community, the bone and sinew of the nation, are left to wallow in filth and neglect. 'These things ye ought to have done, and not to have left the other undone.' This is all the more reasonable, because by securing proper dwellings for our farm servants, and thus re-establishing the family system in all the rural districts, the whole tone of society would be elevated, and pauperism and crime cut off at their source. It seems only carrying out the ends of Government, and fair to the community at large, upon whom the expense of many of our rural evils ultimately falls, that these evils should be effectually removed if possible, and this would be done to a large extent were every obstacle in the first place removed out of the way of our proprietors, and were the same care taken, in the second place, to see that bothies are abolished, and that farm labourers get justice which is bestowed in the case of paupers and criminals. By all means, therefore, let us have public inspectors of cottages, with power to order the extirpation of bothies, and the erection and necessary improvement of the houses of rural labourers, until at least the existing evils are redressed, and a higher tone of justice and decency is established in all our rural districts. The expense being made a permanent burden on the estates would not be worthy of being mentioned, and would soon be saved out of the taxes at present caused by pauperism and crime, whilst by such a process we might expect to witness a vast improvement over the whole kingdom within a single generation. On the contrary, if something like this is not done, as the bothy system is beginning to spread even in the south of Scotland, and as many of our landlords being non-resident are not aware of the real causes of our social evils and of our ever-increasing public burdens, the whole rural

districts of Scotland may soon be turned into a kind of Sodom, and every social evil may only advance with the lapse of time. Now that the public attention is fairly turned to the subject, the strongest measures of redress are fully warranted and called for.

Still, however, although all this were accomplished, the whole evil would not be remedied. Besides ploughmen and shepherds, whose comfort would thus be secured, a number of extra workers are required at certain seasons on all large farms, and the question would still remain, what is to be done with them? Here will surely still, say some, be a necessity for bothies, or for forcing ploughmen to keep, as in East Lothian and Berwickshire, extra workers, called bondagers, in their inadequate cottages, to their own great discomfort and the ruin of morality. This has appeared to many such a thorough problem that they have been driven to the alternative of either giving up the large farm system altogether, or admitting the necessity to some extent of breaking up the family system by some of the expedients referred to. We are prepared to adopt neither alternative. Let agriculture by all means make progress; let skill and capital be indefinitely applied to the improvement of the soil. Progress is divine, but the family system is also divine, the foundation of all social morality, and there are no circumstances in which its existence is impossible. Accordingly, a plan has been adopted in certain exceptional cases in Scotland, which, if made universal, would meet and remedy the whole evil to which we have referred. On the estates of Mr. J. J. Hope Johnstone, M.P., of Annandale, under the enlightened management of Mr. Stewart, a number of intermediate labourers, between farmers and farm-servants, have been established, with houses which they assist to erect, and with four or five acres of land, which they have in lease, for which they pay an ample rent, and upon which they keep a cow and a pig, and grow potatoes and other produce. They are scattered amongst the larger farms, and cultivate thoroughly all the spare corners of the estate, whilst they and their families are always at hand to do for hire the extra work for the larger farmers. The *Great Eastern* is a valuable acquisition to our naval strength, and implies decided progress; but she requires a number of boats of various sizes to make her operations complete—and so it is with our monster farms. The Annandale case and its complete success are explained in two interesting reports to the Highland and Agricultural Society by Mr. Stewart, and the Rev. Peter Hope, of Wamphray, has added a valuable commentary, pointing out in a recent pamphlet the various important advantages of this system. He says: 'It is extremely rare to find one of this class on the poor's roll.' 'Among the class of cottagers of which we have been treating education is universally diffused.' 'Few of those waifs of society and torments of landlords, poachers and the like, are found, we fancy, among the inmates of these cottage houses.' 'We are not aware of any social arrangement to which so few objections apply, in which so few drawbacks are to be found, and which produces such general substantial and unqualified benefits to all concerned.' 'The class of people thus

formed and perpetuated are among the choicest of our Scottish peasantry.' They are indeed the very class that our national poet describes in language which has made Scotland famous to the ends of the earth—

A wall of fire around our much loved isle,

for which the increase of mere material wealth by higher farming is but a sorry substitute.

The author is glad to find that the estate of Annandale is not the only one in Scotland in which this system has been tried with success. It has existed for some time also on the estate of Auchinbowie, near Stirling, and with the same gratifying results. The following is an extract from a letter which the author has received from Mr. Binning Munro, the respected proprietor of that estate. After denouncing the bothy system, he says—'This brings me to the class of cottagers that I mentioned to you, and which I would recommend to the notice of all connected with land. I mean a middle class between the farmer and the farm labourer. In every small district there should be the wright, the smith, the dyke builder, and probably some hands for working in woods and plantations, besides occasional labourers for various extra jobs on an estate, and these, I think, should have a few acres attached to their cottages for cropping, for home use, and the keep of a cow. I have six of these, with from two to three acres each. There is a house of two or three small rooms, with a byre and loft, and boiler and pig-stye, and the rent is from 9*l.* to 12*l.* I find these possessions very popular, and there is much competition for them when out of lease. The wright and smith are otherwise accommodated, but two of my small tenants are dyke builders, one of them an official connected with my coal work, one of them a coal carter, the rest are labourers. They are all of a very good class in respect of character and respectability. Two of them are elders in the United Presbyterian Church. I believe they would all be intelligent and independent electors if they had the franchise, which as yet they have not. They all keep a cow and pigs, and generally take from me summer's grass for their cows. The horse labour is done by hiring a plough from a neighbouring farmer, which may seem a disadvantage, as in spring it might be thought that the large farmer would take advantage of the best weather for his own work, and that the cottage farmer would lose the proper tilth for his work; but practically this is not so, for the hire is always paid in a return of labour by the cottager and his family in the time of hoeing and harvesting, and I have always remarked that the larger and small farmer have worked to each other very successfully for all parties. But even were the objection to some extent just, there can be no doubt that the small concern has a decided advantage in the larger comparative amount of labour which it receives. When under the mother's eye very young children may eradicate noxious weeds, whilst they are themselves in the way of being trained to habits of industry and frugality. And also in the time of harvest, the one acre of hay or cereal corn receives an amount

of attention and care far beyond the possibilities of a large undertaking. I think my cottage farms are, perhaps, too small; five acres would be better, so as to give three acres under crop, viz., a corn crop, a green crop of potatoes, turnips, and mangold, and two acres of pasture for a cow and her calf, and probably a year old, which, if well cared for, would in the following spring realize from 12*l.* to 15*l.* from the butcher, or, in other words, with some help from the pigs, pay the whole rent of the small farm. I have often wished to see such a class of the peasantry greatly extended. I feel certain that it would be a great social and moral benefit to the country. I know that your calculating economists object to a labourer having work to do for himself whilst he is engaged in working for others, but it is quite a mistake. There is a moral and physical health resulting from comfort that amply compensates for all the additional labour, and the evening industriously employed is much less exhaustive of the energy required for next day's labour than the night spent in idle convivialities at the public-house.'

Whilst good ploughmen and shepherds' cottages, therefore, are necessary to meet the first part of our rural problem, here is the true and effectual solution of the second part of it, viz., the establishment of a certain number of crofts in connexion with all large farms. This would meet the whole case. It would give a constant supply of labour, it would form an important middle class, and thus bridge over the great gulf which is ever widening and threatening danger between the different classes of society. The more active and industrious of these crofters would gradually become the farmers of the country, all their interests would be bound up with the soil, and instead of the vagrant and reckless race that is at present springing up in our rural districts, the source of endless public burdens, here would be the preserving salt of a well-ordered peasantry, and the strong defence of the land in the event of invasion. Let these men only be trained to use the rifle, and our expensive standing army would be little required, except for foreign service. Divine Providence works by variety and not by dead and stereotyped uniformity, and so should we, by diffusive benevolence, and not by narrow and griping selfishness; and just in proportion as our landlords understand their own interests will they go and do likewise, and the nation will prosper. 'There is that withholdeth more than is meet, and it tendeth to poverty.'

On the Training and Supervision of Workhouse Girls.
By Louisa Twining.*

The subject of 'Workhouse Relief and Management' is placed amongst the topics to be discussed at the present meeting, which proves that it is not losing, but rather gaining ground in the estimation of the Association and of the public. There is no doubt a

* See *Transactions*, 1857, p. 571; and 1858, pp. 655, 661, 666.

growing opinion that it is worthy of deep and earnest attention. In the daily papers and other periodicals there has been during the past year frequent notice of it, either in the shape of comments upon facts, or in mentioning the efforts that are being made in various ways to improve the condition of the lowest classes. In one way or other public attention has been aroused, not only in this country, but also in Ireland, where an important investigation has been made into the condition of the children in the Cork workhouse, which will no doubt result in improvement there, and in many other workhouse schools besides. In the paper which was read in this department last year, on the Workhouse Visiting Society, a more kindly care of the poor children in our pauper schools was especially dwelt upon and urged; and it is satisfactory to find that the plans then recommended were proposed by the medical officer who reported upon the state of the schools at Cork to the guardians, viz., the appointment of visitors who should assist in the supervision of the children, and this more particularly with regard to their condition after they leave the schools. Experience is every day showing us more clearly that all the care and teaching is in vain, if some protection is not extended to the children when they are first sent out into the world. The idea is certainly also gaining ground that, by careful teaching and training, the poor children of these schools may be made useful and valuable members of society. Suggestions have recently been made to train many of them expressly for the army and navy, a proposal which it is to be hoped will receive serious attention, as we have already far more tailors and shoemakers than can find employment. The added experience of a year has convinced the members of the Workhouse Visiting Society of the necessity of carrying out, by increased efforts, this, one of their chief aims, viz., 'to befriend the destitute and orphan children in the schools, and after they are placed in situations.'

In one of our large cities it is now proposed to organize on a small scale a plan of encouragement and protection for the girls on leaving the schools, and the proposal has met with the approbation of more than one board of guardians. It involves no expense, and would be applicable to every union and workhouse school where ladies could be found to carry it out. It is in fact merely an extension of the present system of inspection by the chaplains of our large district schools. If the names of ladies who would undertake this work were known to the chaplain or guardians, notice would be given to them when any girl went out into service, and a friendly protection might thus be extended over her during the most perilous time of her life.

Of the nominal inspection and visitation by the relieving officer of those who quit union or workhouse schools for service, I shall not speak, as I believe it in most cases to be worse than useless. Last year, at Liverpool, I strongly urged the adoption of some such plan, on behalf of the numerous children leaving the industrial schools at Kirkdale and the union schools, believing that it would go far towards preventing many of the grievous failures that we have now to lament. Till some system is organized which will be supplementary to our carefully and expensively arranged district schools,

their results will fall far below what we have a right to expect. The following is an outline of the plan sent to me by the lady who has established it :—

'PROPOSED PLAN FOR PROTECTING WORKHOUSE GIRLS.

'1. To obtain from the matron the addresses of all girls lately sent out to service from the union. To obtain from the schoolmistress information respecting the girl's character and requirements, and take from her some message of inquiry. To call on the mistresses of these girls, explaining our wish to befriend them; offering, if needful, some small additional articles of clothing to those provided by the workhouse, and engaging the mistress to careful guardianship, and to the promise not to discharge the girl without giving us due notice. To ask to see the servant, and endeavour to make friends with her. To arrange, if possible, that she be allowed to attend a Sunday class at the house of one of the ladies, and, at all events, be visited at stated intervals. 2. To obtain from the matron the names, and from the mistress the characters, of such girls as are fit to be sent out to service, but for whom no one has made application. Among these, to attend first to such as have reached the age at which they are threatened with removal to the women's ward; to find safe and suitable services for these girls; to visit them and bring them to classes in the same manner as the other girls, having the advantage of a previous acquaintance with them at the workhouse.'

It is hoped that by these means such supervision may be exercised as may preserve a most helpless class of girls from obvious dangers attendant on sudden discharge from service, and that they may be afforded some measure of that individual attachment of which they stand in so much need; for however well taught they may be when they leave the schools, it is a well-known fact that they later fall into ruin, from their friendless and unprotected condition. The chaplain of a large union has expressed his opinion that, had such a plan as this been in operation, scores would have been saved in that union alone, who are at this moment returned to the workhouse in vice and despair. The offers of help that are frequently being received, lead us to hope that persons may not be wanting to carry out these suggestions in various localities.

In one large industrial school I found 213 children, of whom the master supposed 200 were orphans. I asked what care was taken of the girls after they leave at 14, and was told none; if they like they may come to the school to visit their teachers, and the best-disposed do so, but the others are left to their fate, being just those who require the most care; those who leave their places from no fault may return to the school within a year—the others go to the workhouse or elsewhere. The teaching, both intellectual and industrial, no doubt was excellent, but here as elsewhere there appeared to me a total want of all effort to supply that which a voluntary interest alone could give. I was told a touching instance of one poor little girl who had lately died without having had one relation since she was in the school.

Far more ambitious schemes are also being carried on elsewhere. In Dublin the Roman Catholics have opened a home for orphan girls rescued from the workhouse, apparently with the best and most satisfactory results; and one, for Protestant children, has been begun in Surrey, the success of which, up to the present time, has already called for its enlargement. The first of these is an entirely voluntary work; in the last-mentioned home the guardians contribute to the maintenance of some of the children; but both serve to establish the principle that voluntary and supplementary aid may do much where the moral and religious character is concerned that can never be accomplished by merely official machinery.

I would now pass on to another plan which is suggested by the Workhouse Visiting Society, and which it is hoped may be carried out in the course of a few months. Though it may be expected that its necessity will be greatly lessened by the adoption of the plans which I have just mentioned, there will probably be but too much need of it for some time to come. It is an undoubted fact that many (I believe I may say nearly all) of those most hardened and difficult to deal with of all workhouse inmates—the young women—have been brought up in pauper schools. I do not say that all the blame is attributable to the training; there are, no doubt, other causes to be found in their parentage, early bad example, and often in the short periods of their remaining in the schools; but still when we consider the large proportion of orphans who have been under the guardianship of the parish all their lives, we cannot suppose that such results, and so many failures as we find, are inevitable and necessary. We are surely justified in looking for great improvement in this respect from the yearly increasing care of the schools, and especially from the extension of the separate district school system.* Still, out of the thousands who are sent into the world from these and workhouse schools, we must suppose that there will always be some girls who will be leaving their situations from one cause or other; many from their own fault, and many also from causes beyond their own control. Let us consider for a moment what is the position of one of these girls, who leaving her place is homeless, and has therefore no refuge but the workhouse, where, above the age of sixteen, she is placed in the able-bodied women's ward. Whatever she may have been on entering it, there is scarcely a possibility of her leaving it otherwise than contaminated and ruined. In one London workhouse there were lately fifty of this class of women, the comparatively, or even entirely innocent being associated with the very worst and most hardened. What a hopeless mass did they present to the authorities! to the one over-worked matron at the head of this large establishment, and to the women whose duty it was to superintend them! (In this instance,

* At present it would seem as if some pauper schools trained the girls expressly for the adult wards of the workhouse, so surely do they find their way there after a few years. How is it that guardians and teachers rest contented with such a state of things, without ever endeavouring to find out the cause of it!

we believe, there was a paid superintendent, but in general it is one of the inmates who is placed in authority over the ward.) They were not even entirely separated from the rest of the house, but communicated with the other inmates in their hours of work as well as of idleness. Discipline was impossible, and the scene was, as may be imagined, most sad and perplexing. To such persons the workhouse ceases to be a test, for with the licence that prevails there, and the liberty of indulging in evil gossip and companionship, it is preferred by the badly-disposed and idle girls to the hard work which is required of them in service. Such work as they have to do in the workhouse is hardly any preparation for that which is expected of them as servants, and many of them are only employed in oakum-picking, which, whether it is intended as a punishment or not, certainly does not answer the purpose of deterring them from entering the workhouse.

Now, what I would suggest is, that we should endeavour to reverse this degrading process into one that would raise the character, and fit it for something better than the able-bodied women's ward. I would ask if it is possible that such a life and such a system can produce any but the results we find? Would it not really be looking for grapes from thistles, and figs from thorns, if we expected anything else? And I do not see that any other fruits are possible, or any remedies practicable, as our workhouses are at present conducted. For there is no machinery in existence whereby to exercise anything like reformatory discipline for changing the hearts and lives of these women. All experience shows that the same persons are continually returning to the workhouse, and not only they, but their children after them will probably be life-long burdens upon the parish. I would only ask, then, on the lowest grounds, if this is a wise or economical plan, and on this account, therefore, if on no other, I would earnestly entreat a hearing for what we have now to propose. I may here mention that some experienced masters of workhouses have expressed their conviction that only such a plan can secure the results we desire, and which they confess are far beyond their attainment. It is proposed by the Workhouse Visiting Society to open a home for girls of the ages when they must necessarily be admitted into the adult wards, the guardians undertaking to pay to the home the cost of their maintenance in the workhouse. In this home they would be trained, under the care of a matron, for all the duties of household work and service, and the principal aim would be to fit them for emigration to the Colonies. This is no vague and indefinite idea, for we have the positive assurance that such is the want of women, especially in Western Australia, that they would be eagerly welcomed there; and were the plan successfully carried out, we might even expect their passages to be paid by the colonists, which would thus leave only the outfits to be provided at home. Such a plan would necessarily involve careful arrangements for superintendence during the voyage as well as on arrival, but they could be easily made; and the advantages offered by a life in a new sphere, removed from all former associations and temptations, would be far greater than could be looked for at home. We cannot be surprised that, desirous as the colonists are for emi-

grants, they should yet refuse those who would be sent to them straight from our workhouses; but were any sort of training or preparation given to them, we are assured they would be gladly received. If suitable and safe places could be found for some of these girls here, they would not be refused, but the chief aim and object would be to fit them for the Colonies. From the eagerness with which offers of emigration have in some instances been received, there can be no doubt that the plan would be acceptable to many who here have no chance of any but the lowest places, where certain temptations await them. We have reason to believe that such a proposal would be acceptable to some Boards of Guardians, and as the plan would only be begun on a small scale, the immediate consent of all the metropolitan boards would not be necessary. Anything like success would no doubt secure the concurrence of many to our proposal.* The length of time for remaining in the home, and many other details, would be easily arranged, and also the principle of selecting the inmates, on which obviously much would depend; the visiting of this class of inmates in the workhouses by ladies would of course be a necessary part of the plan. As it is well to foresee, and as far as possible meet, all objections and difficulties before beginning a new work, I may mention that the only one that has been yet made to this proposal is that it might prove an encouragement to girls to come to the home for the sake of the advantages it would offer.

To this I can only answer that, as discipline and hard work would be the order of the house in a greater degree than in the workhouse, I do not think it would be likely to prove so very attractive to this class of persons. But even supposing it did induce a few to enter it, it would be only for a time, with the certainty of an ultimate disposal of them in the colonies, where they must cease to be any further burden, whereas the present career of many of them may probably lead them to be a far greater expense in prison, if left to themselves or even to the refuge of the workhouse. To another objection that may possibly arise, viz., that they would have to be kept for a longer time than in the workhouse, I would reply that it would certainly be longer at one time, but without doubt shorter in the end, if all the numerous returns to the workhouse were reckoned up, arising from both want of will and capacity to keep the places found for them.

In one London workhouse there are now 17 women in the adult ward. Of these since 1850, one has been admitted 18 times; one 15 times (age 21); one 12 times (age 20); one 11 times; one 9 times (age 22); and one 7 times, whose age is now only 17.

From what has been said, I think it must be clear to all, first, that something like reformatory discipline is the one only hope and chance for this class of persons, and secondly, that such is impossible at pre-

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* The proposal was readily accepted by five Boards of Guardians (six only being applied to), but still there are difficulties in the way. It is hoped, however, that steps may ere long be taken to render practicable the carrying out of the plan of the proposed Industrial Home. (Jan., 1860.)

sent in our workhouses, both from want of space (more particularly in those of large towns), as well as from the total want of persons to carry it out. As a class these women are not admissible into any of our existing institutions, even if they could be received into them; but they are neither all fit subjects for penitentiaries, refuges, or reformatories; and besides these reasons, some separate home is required which can be recognised by the guardians. If two or three unions will combine to sanction the plan, it will be carried out, but besides this support we are anxious to gain the sympathy and approval of those who are here met together, and who are occupied in somewhat similar plans for the benefit of their fellow-creatures, and who are capable of judging not only of the need of such a scheme, but also of the probability of its success. If the experiment can once be made and fairly carried out in London, there is no reason why it should not be tried in the country as well, so that every county should in time have its homes and penitentiaries (for the two might well be united), where every effort might be made to rescue and restore those unhappy ones who are now, whilst supported at our expense, thrust down into the lowest depths of despair and degradation in the able-bodied wards of our unions.

SUMMARY OF PROCEEDINGS IN THE SOCIAL ECONOMY DEPARTMENT.

THE work of the Departments terminated on Friday the 14th, and on the morning of Saturday an address 'On the Progress of Civilization,' was delivered by Sir James Kay Shuttleworth, as President of the Social Economy Department, over which he had presided during the week. Mr. Charles Hawkins and Mr. Toynbee having resigned in the preceding summer, the office of Secretary was filled by Professor John Wilson, assisted by the Rev. J. P. Chown and Mr. George Wood, as local Secretaries.

In addition to the papers printed, the following contributions were made to the department:—

'The West Indian Labour Question,' by Stephen Cave, M.P.

'Protection of Labour against Immigration. The Chinese and Coolie Traffic,' by Henry Fawcett.

'How to make Statistics Useful,' by the Rev. James Begg, D.D.

'On the direction in which the Census Inquiry of 1861 should be extended,' by James S. Hammack.

'Suggestions for the next Census,' by Nicholas Waterhouse.

'On Trade Societies,' by John Watts.

'On the Evil and Impolicy of Strikes,' by Malcolm Ross.

'What is the Nature of the Relationship between Employer and Employed, and are Combinations either on the part of Operatives and Employers injurious or otherwise?' by J. Macfarlane.

'On Strikes,' by John Plummer.
'The Factory Question as it was and as it is,' by Matthew Balme.
'Factory Workers. Homes for Factory Workers,' by a Lady.
'On the Moral Tendency of Factory Labour,' by David M'Burnie.
'Condition of the Factory Operatives of Bradford,' by John James.
'The Market for Educated Female Labour,' by Bessie Rayner Parkes.
'On the Industrial Employment of Women,' by Jessie Boucherett.
'Art Decoration—a suitable Employment for Women,' by John Stewart.
'Suggestions for simplifying Plans of Social Provision,' by the Rev. W. Webster.
'The Savings Bank,' by John Haigh.
'On giving Interest in Penny Banks,' by the Rev. Erskine Clarke.
'Professional Remuneration (Medical),' by John Ogle, M.D.
'Bradford Charitable Inquiry Society,' by George Gladstone Macturk.
'The Rise and Progress of Bradford, in respect to its Buildings, Population, Commerce,' &c., by the Rev. Henry Fawcett.
'Recreation in its Moral Aspects,' by the Rev. George Hough.
'The Bradford Early Closing Association,' by Robert Leach.
'The good effects of encouraging Horticulture among the Working Classes,' by G. Broome.
'The Claims of the Journeymen Bakers on the Sympathy and Assistance of the Public to aid them in obtaining a Limitation in the Hours of Labour,' by John Lilwall.
'Benevolent Effort for the Protection of Chimney-sweeping Climbing Boys, with examples of the Cruelty of the System,' by William Wood.
'The Objects, Methods, and Success of Young Men's Christian Associations,' by D. Wainwright.
'Bastardy in our Rural Districts, its Causes and Remedies,' by T. C. Wilks.
'Prostitution in Bradford, its Extent, Causes, and Remedies,' by J. H. Marshall.

THE WEST INDIAN LABOUR QUESTION.*

Mr. Stephen Cave, M.P., read a paper on 'The West Indian Labour Question,' which he began by confessing his opinion that, economically, the emancipation of the slaves had not hitherto been so successful as its great and benevolent originators could have desired, an opinion in which he was strengthened by the candid avowal of one of its early advocates, Earl Grey, and the admission of a still more uncompromising adherent, Lord Brougham. He believed that, on the whole, in a moral point of view, emancipation had succeeded; the negroes had behaved as well as any people under similar circumstances would have done. It was, however, to be remarked that the

* See *Transactions*, 1858, p. 699.

black population had most retrograded in those localities where, from abandonment of estates or other causes, it had been most withdrawn from contact with the whites. This might have been expected from the longer experience of Hayti, and from the general history of the negro races in their own countries. In an economical point of view, and regarding the inducements held out to the slave-holding nations to follow their example, he was sorry to say that emancipation had not been successful. He would not weary them with figures, but would merely state what was generally admitted, and could be readily proved from annual Parliamentary returns, that the quantity of produce made in their West Indian colonies rapidly fell off after emancipation, while that of Cuba increased; and though the perseverance of the planters, aided by immigration, had latterly improved matters a little, yet that the Spanish colony advanced with far greater strides. It must be remembered that the import of slave-grown sugar into England was as great as before, the only difference being that England now did that *per alium* which she then did *per se*. After rapidly tracing the causes of this state of things, and alluding to the arguments that were urged to account for it, as want of capital, want of means to pay labourers, want of skill, lowness of wages, faulty tenure of land, poorness of soil, and usurious charges of merchants, Mr. Cave said the practical conclusion was, that if by a well-regulated system of immigration under contract they could make the other sugar-producing colonies as prosperous as Barbadoes and Mauritius, the problem would be solved. America would gladly rid herself of slavery if they could teach her to do so without loss, and this once effected, they need not occupy much time in calculating how long Spain would be able to resist the pressure.

Mr. Henry Fawcett contributed a paper on 'The Protection of Labour against Immigration.' Mr. Fawcett said they were aware that wages depended upon the capital of a country and upon the number of the labouring population—wages rising as the capital increased and population remained stationary, and falling where the population advanced and capital remained stationary. In this country both capital and population were increasing with extraordinary rapidity, and it might, therefore, appear impossible to decide whether wages would rise or fall; but if population continued to increase, the real revenue of the labourer must ultimately diminish. Though there might be an increase of capital, the accumulation of wealth would not insure the social advancement of the people; but the working classes would no doubt improve their position in the future by habits of prudence and forethought, and thus maintain an advance in their remuneration. There might, however, be an influx of manual labourers from other countries which would overstock the market and drive wages down. As the improvement flowing from greater prudence and forethought might thus be rendered nugatory, as regarded wages, it was necessary to discuss this important aspect of the question. Taking as his illustrations the emigration of Chinese into Australia and of Coolies into the West Indies, he observed that

those who were employers of labour maintained that it was necessary, but such persons were apt to look at the question as one of personal interest alone. They had heard a great deal of West Indian distress, but they were not asked so much to deplore its pauperism as to sorrow that labour was not so cheap as formerly, and, as a consequence, that estates were reduced in value. Cheap labour would soon restore the value of these estates, but it would also reduce the labourer to his former poverty. No doubt, in the abstract, every human being possessed an indefeasible right to apply his labour where he pleased, but, though true as a general proposition, it was hazardous to pronounce a decided opinion as to its practical truth. What, then, was to be the index to determine the case in which it was just and politic to check the privilege? He answered—the greatest happiness principle. Unrestricted immigration might sacrifice the welfare of a labouring population, and the injury he believed would be unaccompanied by any compensative advantages to others. No doubt the Chinese improved their material condition by emigrating to Australia, but, unless this immigration was checked, there was danger, looking at the large population of China, that Australia might become little more than a vast Chinese colony, the result being unmixed misery. He therefore arrived at the conclusion that the imposition of a tax upon the Chinese in Australia was a measure which merited their especial commendation. In the West Indies the question had arrived at the stage when the opposite interests of the employer and the employed were openly avowed, and he strongly advocated that the interest of the labourer should be protected, and that the importation of Coolie labour should be stringently restricted. This might be done, under certain conditions, by imposing a tax upon immigrants. Such a course would apply to the West Indies and Guiana, but as Coolies never emigrated to these parts without solicitation, a less stringent measure might be adopted; for instance, that no part of the general revenue should be devoted to immigration purposes, and no contract between an employer and labourer for a term longer than one year should be legal. At present English labourers required no such protection; but the time might come when it might be necessary to say to immigrants—'We object to your coming; by prudence we have made ourselves better off than you, and we will not suffer by your imprudence.'

Mr. Forster opened the discussion by expressing his pleasure in finding that Mr. Cave, who might be taken as the advocate of the planters, concurred with the friends of the slave as to the crime of slavery, the difference between them being as to the economical result. He would not argue that question now, and he would only say that all that he and his friends asked for was a perfectly free immigration. The immigration to the West Indies and to some of the French colonies could not be considered as free. They asked for no more than that it should be spontaneous, the cost being borne by the planters, and that poor, ignorant men should not be entrapped under false pretences. He could not help thinking that the employers of

labour in the West Indies were disregarding the real remedy for their grievances, and were endeavouring to evade the rule of supply and demand, under the pretence that there was a want of labour, and he quoted the opinion of the Governor of Barbadoes, that he had never known an estate go out of cultivation through want of labour.

Mr. NOEL said that, during a recent visit to the United States, he had been constantly referred by the slaveholders to Jamaica, as affording, in the number of plantations out of cultivation, indisputable evidence of the failure of emancipation. What, however, was the fact? He had been in Jamaica, and was prepared to state that, in the large majority of cases, the land now out of cultivation was not owing to a want of labour. It was traceable to many causes, but not to that, and where proper means had been adopted, the estates had been made to pay. He concurred, however, with Mr. Cave in the opinion that where there was no European element, the negro population was sinking into a state of barbarism.

The Rev. Mr. CHANNING said the real question for their consideration now was, whether they should have free labour or slave labour universally. That was the question presented by the slave owners of America, and that was the question with which they had to deal. He blushed to say that the slave trade had been revived by his countrymen, and after dwelling on the inconsistency of England encouraging slave produce, said that England ought to have risked a war with America on this question of slavery, and if she had done so, there would have been an end of it. As to the system of immigration, it was the interest of a certain class of men that labour should be increased, but he warned England against conniving at anything which, under the specious name of free labour, might in the slightest degree involve her in the support of slavery in any form. If Christendom were only Christian, there would be no difficulty, for they would not then stay to consider the interests of this country or of that, but the interests of mankind at large. Returning to the influence exercised by England in supporting American slavery, he said the question with the southern slaveholders was, how they could procure labour to raise sufficient cotton to meet the demand of English manufacturers. The duty of England in such a position was to say, 'We will take your cotton, but we demand that it shall be the produce of free labour,' and to back that up by carrying out their experiments in Africa, India, and elsewhere. In that way they would most effectually stop slave labour.

Mr. M'LAREN observed that the fact had been overlooked that in Jamaica alone 30,000*l.* a year was paid towards the expenses of Coolie immigration, the great proportion of which was drawn from the earnings of those whose labour these immigrants were to supplant. The planters ought to pay these expenses themselves. The first paper seemed to consider negroes merely as sugar-producing animals, but he apprehended that the question for them was not whether they produced so many hogsheads of sugar more or less, since they were emancipated, but whether they were better off. He pointed out the

evils of non-resident planters, and said that they could not expect to have any permanent improvement in the condition of the West Indies so long as the management of the plantations was entrusted merely to resident attorneys or agents.

Mr. LUDLOW said that the results of the emancipation of the slaves in the French West Indies had been most satisfactory. Previously the colonies were in as bad a condition as possible; now they were flourishing, were out of debt, and were developing their resources. There were many free labourers, and the importation of free immigrants had not been less than 30,000; but it had been conducted so as not to produce any evil results. In some instances, the slaves, on being emancipated, were associated with their masters, and though there had been many failures, there had been many successes, and there was one instance where as much as 60*l.* per man was divided among the workmen for the year.

STATISTICAL SCIENCE—THE CENSUS.

The papers of Mr. Danson and Mr. Mann under this head have been printed in full, and will be found at pp. 623 and 628.

Mr. JAMES T. HAMMACK, Assistant-Superintendent of Statistics in the Registrar-General's office, in a paper 'On the Direction in which the Census Inquiry may be Extended in 1861,' remarked that it was important to avoid everything likely to endanger (as a multiplicity of questions might do) the efficient action of the great machine to be put in motion for the complete enumeration of the people in one day. He said:—The first subject of inquiry to which some extension might advantageously be given, is that relating to houses. It is often remarked that the houses of a country are a sure index to the condition of its inhabitants. This is especially true with respect to the working classes, whose physical condition is greatly dependent on the state of their dwellings. In Great Britain no attempt has been made to arrive at a just conception of the kind of house accommodation possessed by the people. At the first census, in 1801, the houses were returned simply as 'inhabited' or 'uninhabited.' In 1811 the necessity was seen for a distinction between uninhabited houses built and building, the latter generally indicating prosperity. Five censuses have been taken without any further improvement on this head, and the statistical inquirer is altogether baffled in his endeavours to ascertain from the returns, whether the people in any locality are well or ill lodged, or whether houses of the poorest description are decreasing or otherwise. The same numerical value is assigned in the returns to the palace of the sovereign and a Highland bothy—to a large public institution, with its hundreds of inmates, and a single sleeping-room over a stable—each being counted as an 'inhabited house.' In 1840 a committee of the Statistical Society of London recommended that the number of rooms in each house should be ascertained. The number of stories had been stated in the Irish returns previous to 1841. In that year a classification of houses was adopted, based on the number of rooms and windows, in combination with the general character of

the structure. This classification was again followed in Ireland in 1851, and with some necessary modification (such as the omission of the lowest class, comprising mud cabins), it might with advantage be introduced in Great Britain. The enumerators, aided by clear instructions from the central office, would find no difficulty in referring the houses to three or four well-defined classes, determined chiefly by the number of rooms and windows. A rough classification of houses, sufficient for all statistical purposes, would thus be obtained; and it might easily be made by the enumerators on going their rounds to deliver the schedules of inquiries in the week preceding the census day. Or it might be thought desirable to obtain only a description of the houses, according to the number of rooms, &c., and to classify them at the census office. Of course the number of families occupying the houses in each of the classes would be a necessary element in determining the extent of house accommodation. But the house return should not stop at the point just indicated. The shops of various kinds, and all buildings, whether used as dwellings or not, and whether of a public or private character, should also be distinguished. Mr. Hammack went on to say that in the United States, France, and other foreign countries, much valuable information was obtained from merchants, manufacturers, and traders, respecting the processes and produce of their several branches of industry; and he suggested, as another important addition, an inquiry into the organization of labour in Great Britain. He also suggested that the question introduced for the first time in the 'householder's schedule' in 1851—'whether blind or deaf-and-dumb'—should be extended, to include the sick or permanently infirm, from whatever cause, with a statement of the nature of the sickness or infirmity. To all who were aware of the extent to which benefit societies had been established amongst the working classes, the utility of this class of facts would be obvious. Owing to the want of extended observations for elucidating the laws of sickness, the insolvency of such societies and other evils have arisen, which the proposed returns, showing the extent of disablement by disease, would go far to remove. Closely connected with this subject was the inquiry proposed by Mr. Horace Mann, with respect to the various benevolent and charitable institutions of the country. The poor-law system in England alone costs about 5,800,000*l.* annually, and we should learn something with regard to the work accomplished by the vast amount of public benevolence, which was one of the distinguishing characteristics of this country. In closing his remarks, Mr. Hammack expressed a hope that, in the arrangements for the forthcoming census, Ireland would no longer be treated rather as an independent state than as an integral part of the United Kingdom. By uniformity of plan, not only at home but in our colonial possessions, we might obtain results capable of being summed up for the entire British empire.

Mr. Nicholas Waterhouse, in his paper on this subject, hoped that every inquiry made in the last census might be repeated, and that the tables might be drawn up exactly in the same manner, to facili-

tate the exact ascertainment of any change or progress which had been made by the country. There were, however, additions which might enable us to elucidate the great questions of labour and capital, of the moral and social effect of the internal migrations of the population, of the results of the various means for educating our labouring classes, and of the causes and preventives of crime. The last census contained a series of tables showing the number of farms in each county of England and Scotland, and classifying them according to their acreage and number of labourers employed. They are most valuable tables, and are calculated to throw much light on the social condition of our agricultural districts, and also on the great economical question whether large or small holdings of land are the most advantageous. They would be rendered much more valuable if they were accompanied by tables showing the rental of land founded on the income-tax returns of 1815, 1842, and 1860, by other tables showing what proportion of the population were receiving parish relief in 1850 and 1860, and what proportion the poor-rates bore to the rental of those years. Other tables might show the condition of the female population in those districts, how they were employed, what was the general moral character of the people, and what the proportion attending day-schools. Such tables would enable us to see whether the social state of the large farm districts of the south of England and the south of Scotland was equal to that of the small farm districts of Lancashire and the West Riding, of the peasant proprietors of the Channel Islands, or of the statesmen of the dales of Cumberland and Westmorland; what districts were the best able to give employment to the natural increase of the population; what districts had the largest overplus population, which they must send to other parts; and what districts were in want of additional labourers. Again, the last census contained a table showing the number of masters engaged in trade or manufactures, employing certain numbers of men, and dividing them accordingly into different classes. Though a much less complete table than that of farms and farmers, it is hardly less valuable. The two conjointly throw more light on the character of our social fabric than any other information we possess. According to the annual returns of the various classes paying income-tax, there is a rapid increase of the more wealthy classes, and only a very slight one of those assessed for the smaller amounts. A valuable table might be drawn up showing the proportion of wealth and poverty in each separate county: the former taken from the returns for income-tax, and the latter from the returns for the poor-rate. Mr. Waterhouse believed it would be found that where property was in many hands there was little poverty, but where wealth was amassed in the hands of a few, there the great body of the labouring population were badly off. The criminal condition of the country might be elucidated in the coming census by tables showing what had been the average proportion of commitments to the population during the last ten years. These might be again divided according to the nature of the offence. The census might also give us an opportunity of com-

paring the criminal condition of the various districts of the country with their educational statistics. It might enable us to see which state of society gives rise to the least crime, where the attendance at our day-schools was the greatest, or where those who had received a certain amount of education (for instance, could sign their name) was the greatest. The census might enable us to see the effect of the migrations of the population on the amount of crime, whether the character of those districts where large numbers of strangers have been tempted by high wages is better than that of worse-paid districts, where the labouring population were native-born, and might show us the connexion between poverty and crime, what relation the proportion of the population to be found in our workhouses bears to that to be found in our jails. In conclusion, Mr. Waterhouse said—'If there is any other suggestion for me to make, it is to recommend the study of the census. Those ponderous tomes, those endless pages of figures, are not the receptacles of dulness. They contain unbiassed information regarding the various social problems which are now in operation, such as we can nowhere else obtain. On their ungarbled figures, collected without reference to any preconceived opinions, we may safely rely. More than that, they exhibit various agencies at the same time in action, and enable us in some measure to compare the greatness of their results. From the comprehensive character of its contents, we may truly apply to it the words of Lord Harrowby, that it is the great Doomsday Book of the present age.'

The Rev. James Begg, D.D., read a communication entitled 'How to make Statistics Useful.' He considered that our present social efforts consisted in ingenious contrivances to lessen the effects of social evils. Having laboured at the statistics of effects, we ought now to proceed to the statistics of causes, that so the vast amount of agency invested in the vain attempt to deal with a lapsed community might be turned to the higher work of removing obstructions and temptations, and swelling the general resources of the country. As an illustration of the necessity of dealing with statistics more in detail, he states that when Dr. Gairdner, at some expense, procured an analysis of the vital statistics of Edinburgh, it showed that in one part of the new town the mortality was only 12 to 1000, whereas in one of the filthy districts of the old town it rose to 33 in the 1000, facts not appearing in the general death-rate of the city.

In the discussion,

The President having stated that it would be convenient to take the discussion on the several papers on Statistical Science and on the Census at the same time,

Dr. Farr said that he was strongly of opinion that so rare an opportunity as that afforded by the approaching census should not be allowed to pass away without an attempt being made to enlarge the field of inquiry, with a view to the collection of information on some important subjects which had hitherto been very imperfectly investigated. In a country like England, he thought an inquiry into the organization of industry, and into the circumstances connected with

the various employments by which the bulk of the people gained their livelihood, would be of the greatest interest and utility. An industrial census, such as had been referred to in the papers read, would show the nature of the materials and agencies employed in the different branches of industry, the extent and description of the labour they called into requisition, the average wages paid as the remuneration for that labour, and a variety of other particulars, which would throw much valuable light on the relation between capital and labour, and on circumstances affecting the well-being of all classes of the people. He thought, with Mr. Hammack, that the time had arrived for extending the census inquiry in this direction, and he hoped a well-considered plan would be devised for carrying such an investigation into effect. He was also of opinion that the suggestions which had been made for obtaining an improved return of houses, and for collecting the statistics of benevolent institutions, and of sickness or infirmity, were well worthy of consideration.

Mr. DANSON much doubted whether an extension of the basis of the census would not tend to deteriorate the quality of the information collected. As a statistician, he would prefer complete and accurate returns on a few heads, rather than incomplete data on a greater variety of topics.

The Rev. Canon RICHSON considered it very desirable that the educational census should be repeated, as he believed the last to have been defective in many localities.

Mr. D. M'LAREN objected to the mode in which the census return of houses in Scotland was made up in 1851, and contended that 'flats' should have been regarded as distinct houses, and not as parts of houses. He concurred in the suggestions for an improved classification of houses, and would be glad to see the male and female occupiers distinguished. He thought the religious worship returns highly important, and conceived there could be no objection to asking persons what sect or denomination they professed to belong to.

Dr. BEGG hoped there would be complete uniformity in the census of every part of the United Kingdom, and that the enumerators would be selected from a class who would take an intelligent interest in the success of the inquiry.

The Rev. Mr. FRASER wished to see the census of education and religious worship repeated. It was a great defect, in his opinion, that no returns on the latter subject were obtained in Ireland in 1851.

Dr. SOUTHWOOD SMITH urged the utility of the suggested return of sickness, the need of information of that nature, by which the relation between disease and mortality could be traced, having been felt by all who had paid attention to matters connected with the public health. Ample statistics were afforded by the Registrar-General regarding deaths, and it was important to know how much sickness or infirmity existed amongst the population at a stated time.

The MAYOR of BRADFORD expressed a hope that, if returns of sickness were obtained, they would be made available for local purposes.

Mr. W. CHAMBERS was of opinion that it was a great mistake to

regard 'flats' as parts of houses, instead of as separate dwellings; and he hoped that, whatever might be the notion of a house in England, the same course would not be followed in 1861.

Mr. HAMMACK explained that, at the census of 1841, the 'flats' were returned by the Scottish enumerators sometimes as distinct houses and sometimes as parts of houses, and great confusion had in consequence arisen in the returns. It was determined by the authorities, therefore, in 1851, to define the house as consisting of all the space within the external walls, and this definition was applied, for the sake of uniformity, to the whole of Great Britain. He presumed that the conductors of the census could not see any wide distinction between 'flats' in Scotland, and sets of apartments, let as 'lodgings' to separate families in England. As the duty of taking the next census in Scotland would probably devolve upon the Scottish Registrar-General, that officer would no doubt be prepared to consider any suggestions offered to him on that subject.

The PRESIDENT expressed his regret that time would not permit of the discussion of the comprehensive subject of the census at greater length. He would only remark, with regard to the proposed returns as to sickness, that it might be difficult to say when a man was to be considered as really sick. Was a general feeling of *malaise* to be treated as sickness in the sense contemplated?*

TRADES' SOCIETIES AND STRIKES.

On the 23rd of February, 1859, the council appointed a special committee to consider and report upon the constitution and objects of Trades' Societies, and upon their effect on the wages, industry, and commerce of the country. The preliminary report of this committee will be found at page 657, preceded by the papers of Mr. Fawcett, Mr. Holmes, and Mr. Forrest. An entire day was given up to the reading and discussion of papers on this subject.

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* On the 8th of December, 1859, the Council appointed a special committee, 'to consider and report on the best mode of taking the census of 1861, with especial reference to the social condition of the kingdom; and ordered that the requisition presented to the Social Economy Department at Bradford be referred to such committee.'

The following is the requisition referred to:—

'In consequence of an intimation made in the Department of Social Economy, that probably no provision will be made for securing uniformity in taking the census for 1861 in Scotland and England respectively, the following gentlemen, as connected with Scotland, are very anxious that a remonstrance against any such proposal should be forwarded to the Secretary of State for the Home Department, and enforced with all the influence of the Council of this Association. They are convinced that such a method of taking the census would be unwise; and that, to secure the great social ends for which a census is taken, perfect uniformity should mark the results in reference to the three kingdoms:—Charles Cowan, Master of the Merchants' Co. Edinburgh; Charles Lawson, Edinburgh; William Fraser, Free Middle Church, Paisley; James Begg, D.D., Edinburgh; W. Chambers, Edinburgh; D. M'Laren, Edinburgh; John M. Mitchell, Mayville by Edinburgh; W. Welsh, Broughton, Peeblesshire; James Murray McCulloch, M.D., Dumfries; R. M. Smith, Edinburgh; Henry D. Rogers, Professor, University of Glasgow; John Stewart, 45, Gower-street, London.

Mr. JOHN WATTS contributed a paper 'On Trades' Societies,' in which he pointed out how these societies, over and above their usefulness as assurance societies, might furnish workmen with a remedy against the injustice of employers, without any undue and tyrannical interference with the conditions of labour. He said, 'Let the secretary keep himself in correspondence with all the chief places where a trade obtains. Then, supposing a dispute to arise in any given shop, and not likely to be amicably adjusted, let him communicate with the various localities, and ask—how is trade? what are wages? is there any room for hands? Supposing the reply to be satisfactory, ascertain the number of men required, and let a similar number, after due notice, quit the employment of the master of such shop. The loss of hands would, if it were a question of wages, soon convince the employer that he was in the wrong; whilst, if a question of conduct, it would be equally salutary. But if the replies showed no possibility of improvement by removal, then, in a question of wages, the employer would be proved in the right, and if of treatment, it would be a matter for consideration whether the workmen would injure themselves in order to be revenged on their employer. If trades' unions were to allow men to make their own bargains with employers —to drop all restrictions with regard to apprentices and the class of men who shall work at a given trade; if, in short, they were to adopt free trade as their motto, and to work as agencies to supply work, at the time when and the spot where it was needed, and to stand as barriers between the workmen and pauperism during temporary difficulties, they would fill a sphere of great usefulness, and be equally worthy of the support of employers and employed.

Mr. JOHN PLUMMER contributed a paper on 'Strikes,' in which he said that the real cause of strikes might be classed under the following heads: 1. Defective knowledge of the laws which regulate capital and labour. 2. Ill-feeling occasioned by coldness, tyranny, or misbehaviour on the part of employers. 3. The prevalence of low wages in a trade or district, which renders the operatives reckless of the future, and prepares them for violent attempts to elevate their condition. 4. The exertions of eloquent, but dangerous and ambitious agitators; and of the committees of trades' unions in general.

For the prevention of the great evil of strikes, he suggested the diffusion of sound information on the relations of labour, capital, and wages, by means of lectures and cheap publications, and by the teaching of political economy in schools for the working classes, and the adoption by the masters of a more friendly spirit towards their men. Masters ought to meet their men in a frank, straightforward manner, and explain their reasons for infringing old customs, reducing wages, introducing machinery, or any other cause of discontent. Mr. Plummer relied upon education as the best means of preventing strikes. The better educated operatives were, and also the more provident, the better able would they be to exchange from an unprofitable to a lucrative employment, and to meet the fallacies of agitators who would raise wages by artificial means.

Mr. Malcolm Ross, printer, Bradford, read a paper 'On the Evil and Impolicy of Strikes, and what might be substituted,' in the course of which he said, that the builders' strike was simply a strike for increase of wages, an object not attainable by the means used. Building, like all other trades, could only be in a satisfactory state when the demand could be promptly supplied. The lower contracts were drawn, if they were made to yield a fair profit, the greater the probability that there would be an extra demand in the labour market. And herein competition assumed a most favourable aspect to workpeople who had been short of employment, since, if there was little or no competition, contracts would be drawn at a maximum rate. Workpeople took it for granted that when it was a busy time wages ought to rise, forgetting that a brisk trade may be owing to unwise speculations. And even when the general trade of the country was unusually brisk, it did not follow that a higher rate of wages was possible, seeing that competition might have reduced contracts to a minimum rate. Capital, nevertheless, might be considerably on the increase, showing that there was a large aggregate profit from the unusual amount of labour performed, and after all, it might not admit of an increase in the wages of the workpeople, just because such an increase of wages spread over a large number of hands might swallow up the profits, and thus render capital unproductive. Capital allowed to increase, without molestation from trade combinations, would always be demanding an extra supply of hands, when the rate of wages would naturally rise as the supply from the labour market became more difficult to be had. An increasing capital meant an increasing aggregate profit over the number of hands employed, and with an increasing demand for labourers, tended to a natural increase in the remuneration of labour. Proceeding from the enunciation and application of these important and well-known truths, Mr. Ross arrived at the question of what was the best mode of adjusting disputes between employers and employed. With regard to legislative interference, he said: 'Parliamentary legislation may be suggested on the ground that the legislature has framed enactments successfully for the factory operatives in the case of the Ten Hours' Act. But it must be admitted that Parliament, in this instance, has strained its authority to the utmost limit, in defining the rights of labour and capital, and too frequent repetitions of this kind would have a depreciating influence on the wealth-producing resources of the community. The Ten Hours' Act was framed to meet an extreme case of the misuse of the liberty of the subject, and the nation recognised in it the wisdom of the legislature in stemming an evil which was demoralizing to the last degree.' Courts of arbitration did not meet with his approval. He proposed that masters should support the trades' societies, and that the societies should expunge from their rules all interference with labour and wages. Let the masters engage to employ no men unless they are sent by the secretaries of trades' unions, which will have this beneficial effect, that all the working people belonging to each trade or craft will be compelled to support

their clubs, which will, in return, support them when out of work, or suffering from ill-health. The fresh pecuniary accumulations to their funds will materially check pauperism and crime, bring new incentives to perseverance and industry, and the money saved which is now swamped in strikes will make the men virtually capitalists, as it can be invested in safe speculations for general good, while the cessation of hostilities would tend to remove prejudice and promote fair dealing between masters and workpeople, and introduce a healthy spirit into their social and political relations.

Mr. J. MACFARLANE read a paper entitled 'What is the Nature of the Relationship between Employer and Employed; and are Combinations either on the part of Operatives or Employers injurious or otherwise?' He remarked that as the relationship between employer and employed was simply that of buyer and seller, the latter ought to be aware of the importance of rendering his commodity (labour) of the utmost market value. Combination for the purpose of regulating prices failed to raise the value of labour, and handed over the labourer's most valuable property to the management of others. Combinations on the part either of the employers or employed were equally injurious to the interests of both parties.

On the reading of the report,

Mr. PHILIP H. RATHBONE moved that the report be received. In doing so, he stated that the experience of the Committee, which was now tolerably wide, did not coincide with the ordinary opinion, that the leaders of trade societies were among the more violent and reckless of their class; but that, on the contrary, they had found them among the most moderate and fair-minded men of their respective trades. He also explained that the support of members on strike was not the only object of trade societies, and instanced one of them which had a law specifically condemning strikes.

Mr. FOSTER, in seconding the motion, expressed his conviction that the public could do very little in the question under discussion by legislation, and said that the re-enactment of the combination law would be one of the worst steps possible. Neither had he much hope of the courts of arbitration established in France. He expressed his dissent, however, from the advice of Lord Shaftesbury, that the working men were never under any circumstances to combine, because such advice would not be followed, nor did he think that in all cases it would be reasonable to expect that it would be followed. If the sellers of labour were deprived of the power of combination, he doubted whether, in the present relation between labour and capital, they would always obtain a fair remuneration for their labour. Public opinion, however, might be brought to bear in putting down all coercion, and if there were any representatives of trade societies present, he appealed to them most earnestly to strike out of their rules any which might interfere with the free individual action of their members, and especially of workmen not connected with their unions. The greatness of their country was due to freedom of action, and to the fact that in England the majority has never had the power to

tyrannize over the minority, and that principle must not be sacrificed by one side or the other. He did not agree with Mr. Fawcett in viewing these strikes as calculated to bring about a new state of relationship between employer and labourer, and in the form of compulsory partnership. Indeed they were already partners, and he dissented from the principle that the sole interest of the master was to get as low wages as possible. Such was not the case. As a manufacturer, it was his interest to get his work done well, and to pay such wages as would best accomplish that object.

Mr. DUNNING said, as Lord Brougham had given his opinion on trade societies and strikes at the opening of this meeting, with which he did not find fault, his lordship having as much right to express his opinion as any one else, he thought it would be consistent with the true intent of this Association for the promotion of social science, as a science, if the same subject was treated from another point of view—namely, by one who was and had been for forty years a member of a trade society, and who was and had been secretary to one—the Bookbinders' Trade Society of London—for the last nineteen years. He would therefore briefly consider—first, wages, and what determined their value; secondly, trade societies for the protection of wages; and, thirdly, the means used by these societies to achieve that result. Wages were determined by the supply of labour permanently in the market. If it permanently much exceeded the demand, nothing could prevent the reduction of wages; and conversely, if the demand permanently much exceeded the supply, nothing could prevent their rise. These two extremes always at all times compelled their respective results. In these two extreme points all contention was hopeless. No trade combination, however well organized, on the one hand, could prevent reduction; nor any legislative enactment, however stringent (of which there were many instances), on the other, could prevent their rise. Mistake often arose here. As no union could prevent the fall of wages, or was necessary to occasion their rise in these extreme points, it was sometimes thought that union among workmen was not necessary under any circumstances. But trade combinations rarely interfered in these extreme cases. Leaving them, he would consider the cases in which trade combinations had influence. The supply of labour in a trade might be greater at one time than another—indeed, for a time, far exceed the demand for it; and yet that state might not be its permanent condition. In other words, the trade might be for a good while 'slack.' If a reduction of wages took place during this period, it was very likely to remain so when the trade got 'busy,' and yet the temporary slackness in itself would by no means be adequate to compel this reduction, and indeed ought not to have produced it. The undue competition among employers, bidding each under the other, intending to make up the difference out of the wages of their men—not from any compelling necessity in the trade, but from mere rivalry—would inevitably cause a reduction of wages, where such employers had influence, which, if not checked, might extend to the whole; not, again, from any compelling necessity arising from over

supply, but from taking advantage of the immediate necessities of their men being greater than their own. Hence the formation of trade societies, which became a necessity to adjust the bargain for the sale and purchase of labour. In all bargains the buyer wished to buy as cheap as he could, and the seller to sell as dear as he could; but their interests, all being exchangers, and each, from the highest to the lowest, depending upon this principle, exchange, for his position in life, and even for his daily sustenance, all things being equal, their position was not one of opposition, but mutual interest; and, neither the one in wishing to get as much, nor the other in wishing to pay as little as possible, could injure the other. But, if either party possessed an advantage over the other in the bargain, this position of mutual interest was changed to one of opposition, in which the weaker party was sure to be deprived of some portion of what was justly due to him. For example, suppose there was an estate to sell, and it was known it must be sold in a fortnight; come what will, it must be sold in that time. If the property were large, the seller would be sure to lose some thousands of pounds in these circumstances. Not that there was any blame to be attached to the buyer, but such would be the fact. In this position, as bargainers for the sale and purchase of labour, stood the employer and employed. Singly, the employer could stand out longer in the bargain than the journeyman; and as he who could stand out the longest in the bargain would be sure to command his own terms, the workmen combined to put themselves on something like an equality in this respect with their employers in the bargain for the sale of their labour. This was the *rationale* of trade societies, which was very clearly stated by Adam Smith, in his 'Wealth of Nations.' When the men thus, in an aggregate body, stood out for a price which the employers refused to give, it scarcely need be said that while this dispute was pending the position of the workmen was that of a 'strike.' But strikes were always expensive, and engendered mutual ill-feeling, and therefore should never be entered into without duly calculating the probabilities of success, nor until all means of settling the dispute amicably had failed. The beginning of strife was like the letting out of water. Strikes were often precipitated, and ruin inflicted upon employer and employed, which might have been averted at the outset by a little calm reasoning on the matter. While he thus deprecated strikes, because they were for the time a state of moral warfare, and, like all states of hostility, productive of mutual bitterness, and carried on with a loss to both parties, he was, however, of opinion that there was no other alternative in certain cases than the position of a strike. As an objection to strikes, it had been urged with great energy their enormous expense, and that they promoted the introduction of machinery. To the first of these he would reply that strikes were enormously expensive; but the expense of anything must be taken in reference to what that expense was intended to obtain or avert, before it could be termed inordinate. The reduction of a penny per hour—he took this amount because in his trade he knew of what would amount to such reduction—any other amount could be taken

as the case might be; but this reduction in a trade of 1000 men—which might be termed a small trade—in a day of ten hours, would be 250*l.* a-week, or 13,000*l.** a-year. In a trade of 10,000 men, it would be 130,000*l.*† a-year. In a trade of 20,000, 260,000*l.*‡ a-year. What capital, he asked, did these sums per annum represent? Let the greatest amount at which the cost of strikes might be calculated be taken, and it would fall far short of these amounts. The next objection was that 'strikes' promoted the introduction of machinery. This he believed to be a great mistake, as at no time was a strike needed, or indeed any stimulus, but the shortening of labour, necessary to its introduction, whenever it was found to answer. It was true that the 'mules' and 'double-deckers' were introduced during, or about the time of a strike. But he contended that they would have been used if there had been no strike. Coming at the time they did, they were very opportune to the employers, and their introduction was doubtless a fortunate circumstance for them; but it would be difficult to show that that, or any other invention to shorten labour, would be delayed an hour beyond the time it was found to answer. The spinning-jenny was not the consequence of a strike; neither was the power-loom. No strike existed when the printing machine was introduced, nor at any of its subsequent improvements. He would now give an account of a strike in his own trade, which, when he stated that it took place in 1787, trade combinations being then illegal, it would be conceded was under the most unfavourable circumstances that could be conceived. It had been said that strikes were proverbially unsuccessful; this one, however, though under these adverse circumstances, was not so. It had been said that strikes resulted from trade societies. This, however, illustrated the converse of that statement, for it was the strike that led to the formation of the society, which, as far as he knew, had no existence previous to that event. The strike was for a reduction in the hours of labour from twelve hours, without any time being allowed for meals, to eleven. This the employers took so ill that they indicted four of the most prominent actors in it for conspiracy, for which offence they were tried at sessions, and found guilty, as, according to the then state of the law, they undoubtedly were. When brought up for judgment, Mr. Justice Ashurst said he would not pass sentence until the next sessions, when, if the strike was discontinued, he would consider what he should do; but if it were not, he would pass a severe sentence. The judge kept his word—the strike was not discontinued—and he sentenced them to two years' imprisonment in Newgate: a sentence which, in the then sanitary state of our prisons, was a very serious matter. In fact, the death of one did take place during his confinement. He could not help admiring the conduct of these men: although they knew that a severe sentence awaited them, which actually was fatal to one of them, yet, believing they were

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* At 5 per cent.	£13,000	a-year	represents	a capital of	£260,000
† ,,	130,000	,,	,,		2,600,000
‡ ,,	260,000	,,	,,		5,200,000

in the right, they persisted notwithstanding. However, although they lost everything in the trial, by the strike they gained the hour.*

Mr. COWELL described the principal causes of the Preston lock-out. He said: All who have taken any interest in the trade and commerce of this country must know that we have been subjected to commercial panics, and these panics have brought on reductions of wages in the manufacturing districts of Lancashire and other counties. These stagnations of trade have generally taken place at intervals of ten years; the last reduction took place in 1847. There was no alternative for the working classes but to submit; to have attempted to stop that reduction would have been madness, and we submitted with an understanding that when trade revived we should receive an equivalent increase. Well, trade did revive, and mills that had been standing for a length of time were again set in motion. The Blackburn operatives, towards the close of 1849, made an attempt to get back again their ten per cent. which was taken in 1847, and to the honour of the Blackburn masters be it said, they conceded an advance of five per cent. for one month, promising that if the employers in other towns would follow their example, they would continue to pay it. The employers of Lancashire, however, refused to pay, and the operatives were obliged to work on without it. In the beginning of 1853 an agitation broke out in Stockport for an advance of ten per cent. on their current rate of wages. That agitation was carried on for about three months, and the workpeople of that place would hear of nothing less than an increase of ten per cent. On the other hand, the employers were equally stupid, and would not yield to the demands of their workpeople. The result was that the Stockport operatives struck work, and that strike lasted ten weeks. At the end of this time, the employers of Stockport gave way, and the workpeople received what they asked for. It should be borne in mind that when the Stockport people struck work there was no union among the weavers. At all events, the weavers sent forth their delegates throughout the manufacturing districts of Lancashire; the people hearing their statements heartily responded, and hastened to assist them. At the end of this strike a delegate meeting took place at Stockport, and I attended to represent Preston. At that meeting it was agreed that the working classes throughout the cotton manufacturing districts should memorialize the whole of their masters for an advance of wages. That resolution was carried out, and I am glad to state that a large proportion complied with our request. There were others, however, that did not. About five firms in Preston would not comply, or only in part, and the hands employed at them struck work. Now commenced the tug of war. In about two weeks after these hands had struck work, a placard appeared on the walls signed by forty-five masters in Preston and the neighbourhood, stating that unless the hands resumed work in one month from that

* Mr. Dunning was stopped at this point by the President, having occupied the utmost time allowed to a single speaker.

date they (the masters) would close their establishments, and thus starve them into compliance. The closing of these firms caused a great amount of suffering to all classes in Preston, and I am quite sure that neither masters nor workmen would like to enter on another struggle like the last. I may say further, that if the Preston masters had been the same masters in 1853 as they are now, Preston lock out would never have taken place; and I may add that I should never like to see another social catastrophe like it. The loss to all classes in the manufacturing districts, according to a pamphlet published by Mr. Ashworth, near Bolton, was 533,000*l*. In conclusion, I beg leave to enter my humble protest against what Lord Brougham said in reference to men who take an active part in trades' unions. I tell his lordship that I never was too lazy to work, and if Lord Brougham will go to Preston and inquire into my character, I will be bound that he will not find many that will speak disrespectfully of me.

Mr. Akroyd said—'The question of strikes assumes peculiar importance at the present moment. A social war is raging amongst us. Masters and workmen, employers and employed, are placed in battle array against each other—class against class. The causes of these intestine feuds, and the wounds which they inflict upon the body politic need to be searched into and carefully probed. As a member of the Committee appointed by the Association to inquire into this matter, I feel grateful to the secretaries and delegates of trades' unions for the readiness and candour with which they have responded to our inquiries. From the good sense and right feeling which characterized the observations of several of the representatives of the working classes, especially the remarks of Mr. Cowell from Preston, I augur favourably of the results of our investigation. I agree with Mr. Cowell that causes of misunderstanding would often be prevented or removed by a free and frank intercourse betwixt masters and their workpeople, and by a mutual explanation of each other's wants and wishes. Political economy will not help us to avoid strikes and their attendant evils. Nay, the danger is aggravated by the rigid application of this science, and Mr. Fawcett, who has treated the subject very aldy and clearly from this point of view only, considers strikes as a natural sequence of the effort of the masters, on the one hand, to purchase labour on the lowest possible terms, and of the workmen, on the other, to obtain for their commodity, labour, the highest possible price. If I understand Mr. Fawcett correctly, he considers a strike as the best solution of the difficulty, and as an appropriate test of the market price of labour. Precisely at this point of our difficulty, when the hard maxims of political economy afford no relief, social science steps in, and lights our path to a peaceful adjustment of the question. I mean the only true social science, based upon Christianity, and teaching us to do unto others as we would they should do unto us. When masters and workpeople approach each other in this spirit angry passions are appeased, and each has sympathy and kindly feeling for the other. The workman makes allowance for the obstacles which an employer has often to meet in finding

for him work and wages; whilst the master, sympathizing with the feelings of his workmen, and putting himself in their position, will not seek needlessly to reduce wages, but will at all times be ready and willing to give the workman such fair and equitable remuneration for his labour as his trade will afford, or the current price of similar work will permit. Strikes have not been common in the worsted manufacture with which I am connected. I recollect a fearful 'turn out' which occurred amongst the hand combers many years ago, when they held large aggregate meetings at Fairweather Green, near Bradford. This strike inflicted sad misery and distress upon the 'turn outs,' and gave a lesson to employers and employed which led to a better understanding for the future. In my own establishment, it was afterwards the custom for the combers, when they sought an advance of wages to which they considered themselves entitled, to send a deputation to wait upon the members of the firm. We always received them courteously, inviting them to sit down and discuss the question calmly. If we failed to arrive at an immediate arrangement, each party generally promised to make further inquiry as to the rate of wages given for the same description of work by other masters, and by the trade generally. This information being obtained, we usually met again for further discussion, and rarely if ever failed to adjust our differences amicably. Personal intercourse tended to soften asperities and to promote conciliation. In this temper I will approach the consideration of this important question as a member of the strikes' committee. Representatives both of the employers and employed are upon the committee, and I am gratified to learn from the remarks of previous speakers that both classes are disposed to place confidence in us. Our report limits itself very wisely, in my opinion, to a statement of the terms of inquiry and of the progress hitherto made. It recommends the further prosecution of the inquiry, by which I doubt not that much valuable information will be elicited, and fresh light thrown upon the rules and bye-laws of trades' unions.

At this stage of our investigation it would ill become me to pronounce any individual decision upon the merits of the question, or to prejudice conclusions which may rest upon further evidence. I may be justified, however, in the remark, that we must not expect much aid from legislation in the prevention of strikes and their concomitant evils. But this at least we have a right to expect, that the utmost security shall be afforded for the perfect freedom of industry, and that every workman shall be at liberty to dispose of his labour as he thinks best; and, furthermore, that he shall be protected in the exercise of this right from any intimidation or coercion whatsoever.

Mr. Newton, of the Society of Engineers, contended that workmen could not make their arrangements with the employers individually, but collectively, and combination therefore became necessary, which led to trade societies. One of the great causes of strikes was the want of that good feeling between master and workpeople to which Mr. Akroyd had referred.

Mr. NUTTER pointed out the inconsistency of not allowing an inferior workman to take lower wages.

Mr. NEWTON said there was no such restriction in the Engineers' Society.

The PRESIDENT said there was no doubt that many societies did commit the crime of the majority tyrannizing over the minority, and prohibiting that freedom of individual action which was the right of every man; and until trade societies purged themselves of that objectionable feature, their members would not meet with the sympathy of the public.

Mr. BRIGGS, sen., said that, as a coal proprietor of the West Riding, he hoped he might be allowed to make a few observations controverting some of Mr. Holmes' assumed facts. In the first place, instead of the Coalmasters' Association having been organized only in the year 1853, as assumed by Mr. Holmes, it has existed for the last thirty years, and had for its object the regulation of the trade as to weights and prices, and the discussion of legislative enactments, parochial assessments, and other matters affecting the trade; but the subject of reduction of wages had never been mooted until the very unremunerative state of colliery undertakings forced attention upon some means of reducing the cost of production, and this could be accomplished only by taking off part of the advance in wages, amounting to at least 30 per cent., conceded to the men in 1853 and 1854, when the demand for coal was excessive. It was considered that such a proceeding must be acted upon simultaneously, and hence the subject of wages was formally brought before the masters in meeting assembled, terminating in a resolution to make a general reduction of 15 per cent., still leaving the wages the remaining 15 per cent. higher than in 1852. With regard to the relative price of coal before the advance in 1853 and 1854, and the price in 1858 and 1859, he maintained that Mr. Holmes' statements were fallacious—at least in reference to the colliery in which he is engaged—for that the average price (taking all the different sorts of qualities) was in the year 1852 4*s.* 7*d.* per ton; whereas now it is only 4*s.* 8*d.* per ton, the extra 1*d.* per ton now obtained being more than absorbed by the increased wage still given. He further remarked that in the coal trade the general wages of a colliery form at least 50 per cent. of the cost of production; and that it is on this item alone that any material saving can be effected, the other 40 or 50 per cent. being composed of expenses which are necessarily stationary and fixed, and in many of which it would be false economy to attempt a reduction of cost; and further, that these fixed expenses remain the same whether the colliery is producing 1000 tons per week, or only 500 tons, making the cost per ton on these items double under the latter contingency, and thereby curtailing the ability of the master to give high wages by so much. Moreover, that since 1853 (according to the report of Mr. Moreton, the Colliery Inspector of the Yorkshire district) the number of collieries in the West Riding coalfield has increased at least 60 per cent., and the demand for coal

not having increased in the same ratio, it follows that at almost all the collieries short working prevails, thus bringing about the result mentioned above of increased cost in the production, and decreased ability of the masters to continue the advanced wages given in 1854. In reference to the price of coal now obtained, it unfortunately happens that Mr. Holmes is quite correct in stating that excessive weight is given by many parties, in order to force sales, and therefore what appears to be the price per ton is merely nominal, every additional cwt. beyond 20 being, in fact, a reduction in price of 5 per cent.

THE FACTORY SYSTEM.*

Mr. MATTHEW BALME contributed a paper on 'The Factory System as it was and as it is.' He touched upon the early history of the system as it sprang up in the cotton districts, when children from the workhouses of London and other large towns were apprenticed to the millowners. The inhabitants of Manchester were the first to feel alarm at the evils engendered by unregulated factory labour, and in 1802 Sir Robert Peel introduced into the House of Commons a Bill 'To Preserve the Health and Morals of Apprentices and others in Cotton and other Mills and Factories.' This Bill passed into law that year. It restricted the hours of labour to twelve per day, to be taken from 6 A.M. to 9 P.M. In 1819 Sir Robert Peel obtained the passing of another Bill 'To Regulate the Labour of Children in the Cotton Factories.' This Bill left unprotected the children employed in the great woollen, worsted, and flax mills of Yorkshire. A Select Committee of the House of Commons in 1832 brought to light the sufferings inflicted on the factory population of Yorkshire, and other unprotected districts, by overwork. Mr. Balme, from his own knowledge and recollection, could testify to those sufferings. Children of tender age were required to toil in factories in many instances from three o'clock in the morning to ten and half-past ten at night, with only fifteen minutes for breakfast, thirty minutes for dinner, and fifteen minutes for drinking, and this, too, for six weeks together in brisk times. Another instance he could recal, where the regular time of work was from six o'clock in the morning to eight at night, and no time at all allowed for meals. Cruelties of a revolting nature were practised to keep the children to their protracted toil, often resulting in deformity, sometimes in death. In 1847, after a struggle of fifteen years, the Ten Hours' Bill was passed, and the factory system became what it is. This Act, preventing young persons under 18, and women, from working more than ten hours a day, has conferred incalculable benefits on the youthful as well as adult population of our manufacturing districts; for although some amelioration had been afforded to children under 13 years of age by the enactment of 3 & 4 W. IV. and the 7 Vict., passed in 1833 and 1844, yet the great bulk of our youthful factory workers were left to twelve hours a day toil. Mr. Balme considered this Act to have been the foundation of

* See the Papers by Mr. Akroyd, *Transactions*, 1857, pp. 151, 527.

the great physical, social, and intellectual improvement which has taken place in the factory population.

Two anonymous papers were contributed to the department, entitled, 'Female Factory Workers,' and 'Homes for Female Factory Workers.' The first of these gave a very dismal picture of the state of morals among female factory workers. It showed the evils which result from married women working in the factories; the injury it inflicts on their own health and on that of their children; and the discomfort of their homes, leading their husbands to frequent the public-house. The labour of married women did not add to the resources of the family—the system being as bad in an economical point of view as in every other—the wages they received being insufficient to compensate for the waste incurred on every hand when the mother of a family was absent from her post of domestic manager. The writer recommended that means should be taken to put a stop to the immorality which she stated as existing among the female factory workers, by female supervision, and some requirement of character on admission to work.

The succeeding paper recommended the formation of homes for factory workers, not on a large scale, but on the family system; getting respectable working men and their wives to receive a small number as inmates of their houses. Nothing would do for these girls, thoroughly independent as they were, that was founded on a charitable basis. Her scheme was a simple recommendation that employers should see that those among their female factory workers, who, either as orphans or strangers, were unprovided with homes, should be able to procure a respectable lodging among those of their own class.

Mr. David M'Burnie read a paper 'On the Moral Tendency of Factory Labour,' in which he remarked, that within the last thirty or forty years the factory system had been greatly ameliorated; that the improvement of machinery had rendered labour in factories less irksome and exacting upon physical strength, while the comparatively short hours of labour left the workers much more time for general progress. In vindication of the moral tendency of factory labour, he said that immoral communications could not take place within the factory, as the roar of the machinery forbade any attempt at conversation. Police reports and criminal statistics showed that factory workers by no means swelled the lists of crime. As far back as 1842, when education was at a much lower ebb than it is at present, out of 646 brought before the police-court in six months, only 17 were factory workers. In Bradford, the metropolis of the worsted trade, the absence of crime in proportion to the population had long been remarkable. When the last disastrous panic was at its height, and continued so long throughout the winter, and thousands were out of employment, scarcely one outbreak against property could be traced to the prevailing distress. Mr. M'Burnie allowed that the employment of married women in factories was an evil. Home and children were neglected; needlework and everything like decent cooking were unknown; the wife commenced her house-work and washing in the

evenings, and the consequent discomfort too often induced the husband to pass his time elsewhere.

Mr. JOHN JAMES, author of the *History of the Worsted Manufacture in England*, read a paper 'On the Condition of the Factory Operatives of Bradford.' After premising a few observations, he stated that the object of his paper would be chiefly to prove that worsted factory labour was not essentially injurious to health, and to give a general picture of the state of the mill hands of Bradford. As to their physical condition, he pointed out that there were several classes of hands employed in the worsted mills, but the chief were spinners (a large portion of them being children or young persons), and power-loom weavers, most of whom were females, chiefly adults. Previous to the passing of the Factory Act of 1833, worsted spinners of tender age endured great sufferings from working long hours; but now they were in a great measure insured against over-exertion and tyranny. The spinning rooms were on the whole well ventilated and whitewashed, and the temperature not so high as to be in any appreciable degree injurious to health, being from 60° to 65°. The work was of a clean and active nature, and ensured sufficient wages to enable the hands at full time (mostly girls) to be sufficiently fed and clothed. He then stated that, as a drawback to this flattering picture, it had been remarked that, of late years, these factory workers had become more stunted in appearance than in former years. This had been partly explained by the fact that the labour requires closer attention than formerly, owing to the machinery revolving much faster; now 360 revolutions of the cylinder a minute were counted as ordinary speed, whilst some years since 250 were considered sufficient. It was, however, gratifying to observe that there were now very few cripples or deformed persons amongst the worsted spinners, whereas they abounded previous to the year 1833. From these statements, it might naturally be assumed that the factory workers of Bradford were a healthy race, but this unfortunately was not the fact. From a list which had been drawn up by one of the medical officers of the infirmary, it was found that in the last twelve months, ending 1st September, there had been 828 mill hands out-patients, afflicted with the following diseases: phthisis, 144 cases; struma, or scrofula, 96; dyspepsia, 89; uterine diseases, 71; syphilis, 70; debility, 52; varicose veins and ulcers in the legs, 48; rheumatism, 36; bronchitis, 32; epilepsy, 29; heart diseases, 24; goitre, 6. In this formidable list attention is at once excited to the numerous cases of pulmonary consumption and scrofula, states of disease which especially arise from bad air and bad or defective diet and clothing. There were also very numerous cases of epilepsy, which most likely arose from improper diet and premature excitement. All these diseases were not only prevalent among the factory hands of Bradford (22,408 persons, according to last census), but among the whole population. With regard to their moral condition, perhaps as good a test of the morals of the people as could be obtained was their attendance at places of worship; and on last census Sunday that attendance at Bradford was much larger than that of the average of

England. The factory girls formed an important portion of the religious congregations of Bradford, especially those of Dissenters, where sittings were cheap; and the behaviour and respectability of appearance of these girls were such as to be not only an honour to their own class but to the town. Another standard of morals was the proportion of offences committed according to the population. Bradford, in that respect, stood favourably; for, out of a population of 130,000, there were only 622 persons apprehended, of which 31 were mill girls and 21 mill boys. Of these 31 cases, 10 were for stealing shawls and articles of dress. Compared with the large towns of the kingdom, illegitimacy in Bradford was not great, nor were the mill girls in that respect worse than the surrounding population. Mr. Poppleton, one of the certifying surgeons in Bradford, stated that within the last ten years the factory girls there had much improved in their conduct, which he partly attributed to the better superintendence of the respectable portion of the masters. In one mill, where 500 girls were employed, the average yearly number of illegitimate children did not amount to more than three, and those were mostly to suitors, who afterwards married the mothers. Prudence, he remarked, was essentially a characteristic of a well-ordered and moral community. The factory women of Bradford were large depositors in Bradford savings bank. There were 430 factory girls who had 8139*l.* deposited, and 133 married factory women having 3897*l.* deposited, whilst there are not more than 506 domestic servants, with deposits to the value of 12,756*l.* Of their educational condition, Mr. James stated that it was a lamentable fact that the means of education, and the number of children who availed themselves of such means, were below the average of England. Most certainly a large proportion of the inhabitants of Bradford could not write. Out of 1611 marriages in Bradford district last year 490 men and 974 women signed the marriage register with marks; that is, out of 3222 persons married, 45 per cent. of them could not, it seemed, write. This, he said, was a startling fact, and disgraceful to the district. Though there were no data to judge in what proportion these markspeople were factory hands, yet it was undoubtedly true that a very large number of them could not write, and were deplorably ignorant. This at first sight seemed unaccountable, when the compulsory educational clauses of the Factory Act were considered; but there appeared to be sufficient causes: viz., 1st. Though a considerable number of the poor loom weavers were drafted from the short-time spinners, and therefore had been necessarily educated, yet in the interval between the age of thirteen years and time of womanhood, they had lost the art of writing. 2nd. That a large proportion of the adult factory workers had entered the mills when beyond the age of thirteen, and had not received instruction in writing. Again, factory education fell short because of the downright apathy of the parents of factory children on the subject of education. They regarded the schooling, not for its own benefits, but merely as a door by which their children entered the factory and earned wages. Hence the continual complaint of the factory inspectors, that artifices were con-

stantly resorted to in order to remove the children from school, and get them passed as of sufficient age to work full time. So oppressive also were the educational clauses of the Factory Act, that the masters were disposed, where practicable, to employ only those who could work full time, and thus rid themselves of the onus of educating the factory children. Too often also, when a certificate was brought to the masters showing that the statutes had been complied with, they were satisfied, and took no further care in the matter. Of late a plan had been suggested, that besides a certificate of age and strength, one also should be required that the worker, before being employed in the mill, had received sufficient instruction. At present the masters were also disposed to procure schoolmasters at a cheap rate, and hence their frequent inefficiency and the ignorance of their scholars. He concluded by observing that there was no reason for doubting that, with careful supervision by the masters, the factory operatives of Bradford would stand among the best ordered of the community. Already the respectable portion of the masters were becoming more sensible of the heavy responsibility which attached to them, and no longer seemed careless of the character of their mill hands, or of the overlookers who possessed so much power either for good or evil over them. The factory girl of Bradford was naturally a good subject for amelioration, and would most amply repay the labours undertaken for her improvement. From her class must come the main stock of the wives and mothers of Bradford.

THE INDUSTRIAL EMPLOYMENT OF WOMEN.*

Miss Bessie R. Parkes read a paper entitled 'The Market for Educated Female Labour,' in which she showed, from the reports of the Governesses' Benevolent Institution, the over-crowded state of the profession of teaching, almost the only resource of educated women when compelled to earn a living. Seeing the insecurity and insufficiency of any provision which the mass of educated women can at present obtain by their own exertions, Miss Parkes urged upon parents of the middle class—First, to train their daughters to some useful art, however humble; secondly, to repress all desire of forcing them into tuition, because it is more 'genteel;' thirdly, to insure their lives when they cannot lay by money for their female children. With regard to the first suggestion, Miss Parkes remarked it might be laid down as a primary social law, conceded by all political economists, that a father ought to provide for all his children, or give them the means of providing for themselves. For their sons they performed this duty with anxious care, but for their daughters they neglected it, because they hoped and expected that some one else would do it for them. But there was another reason why the father confided his daughter's future so wholly to her possible husband: women were so unused to have or to hold property, and the law throws the gifts or the earnings of a married woman so completely into her husband's power, that the father was little tempted to save up his money to

* See *Transactions*, 1857, pp. 531, 538, 544.

give to another man, nor to train up his daughter expensively, when another man was to have legal power over the fruits of her education, and could take away any money she earned. On the second point she said—'Of course, in urging parents not to make governesses of their daughters, if they can possibly help it, we must look out and try to open other paths. Why, if women must work, are they to be obliged to work only at the hardest, most ill-paid and unpleasant employments? Are they stronger, more hopeful, more persevering, that by social arrangements they are prevented from working in the progressive and more attractive employments, and thought to lose caste if they enter into business? It was once thought that a gentleman could only earn his bread as a soldier; yet even merchants and lawyers are now admitted under that exclusive name! It is but a small list, that of employments now possible; but it will widen every day. Let every father who has no money to leave his daughter see if he cannot educate and place her in some respectable work; telegraph clerk, bookkeeper, woman of business, *quelconque;* surely in our commercial country it may be done. As to the arts and literature, they must be left to individual capacities. But the immense field of paid social labour, in schools, prisons, hospitals, workhouses, remains to be worked; and for this the woman's ordinary domestic training does in a great measure render her fit.' After pointing out the facilities which insurance affords for creating a provision for the females of a family, Miss Parkes observed, in concluding—'At the same time every effort should be made to aid in every way female education. The education of women of all classes is lamentably deficient; it is only necessary to read the Education Commissioners' reports to see how confessedly bad it is. Girls are not taught so well, nor so many branches of knowledge as boys, and there is a general indifference as to whether they make any progress or not. I earnestly desire to see benevolent efforts directed into this channel. I wish to see the profession of the teacher elevated, and nothing would more surely conduce to it than opening the higher offices in the Educational Board to women. There is no reason why women should not be inspectors and examiners of girls' schools. I would also suggest that the middle-class examinations at Oxford and other such examinations be opened to women; and also that incalculable good might be accomplished by establishing examinations for volunteer lady teachers. There is much good done by corps of volunteer ladies assisting in the teaching of schools for the poor and middle classes, and there is no reason why this good should not be extended and increased. The examination should be in particular branches of education, and certificates given as to proficiency.'

Miss Jessie Boucherett, in a paper on 'The Industrial Employments of Women,' pointed out some of the employments suitable to women, from which they were excluded, the reasons of this exclusion, and the plans formed for overcoming the difficulties that oppose their admission. Their want of knowledge of arithmetic was one of the principal hindrances to their general employment in what seemed work peculiarly suited to them, namely, acting as saleswomen

in shops. She gave an instance of the systematic way in which the interests of women with regard to education were neglected. In a small town in Lincolnshire there is a national school for boys and girls. The master is certificated and receives 70*l.* a-year; the mistress is uncertified, and receives 20*l.* only. A large sum of money from the reform of an old charity in the neighbourhood having fallen into the hands of the Charity Commissioners they resolved on devoting a part to building and endowing a school in this town, whose daily scholars should be taught religion, reading, writing, arithmetic, bookkeeping, English composition, French, and several other useful things for 4*s.* a-year, the head-master to receive 110*l.* a-year, and the second 60*l.* Here was an opportunity of compensating the girls for the inferiority of their education in the national school, but they were never even thought of, and the school is to be exclusively for boys. Thus the sum of 230*l.* will be annually spent on the education of the boys, without counting the cost of building the new school, while 20*l.* a-year is all that is bestowed on girls. The first stone of this school will shortly be laid, which, unless some high authority should interfere, will be the means of ensuring that every intellectual employment in that town and neighbourhood shall be from henceforth the exclusive property of men. The property of the charity, it should be remarked, was originally left to build alms-houses for the aged poor of both sexes. If, then, it is right to apply money thus left to educational purposes, the female part of the community have a just claim to one-half of it, as the founder of the charity intended to benefit men and women equally. The chief remedy proposed by Miss Boucherett was an equal share of educational advantages for girls. The tendency of the age, she remarked, was to diminish the value of manual labour by the invention of machinery, while intellectual employments of all kinds were rapidly multiplying; if then the weaker half of the population were to remain restricted by ignorance to a description of labour the value of which was every day decreasing, while the stronger had free access to every department of industry, the difference between the wages of men and women would continue to increase, and with it the misery of the 2,000,000 single women who work for their own bread among us.

Mr. JOHN STEWART read a paper on 'Art Decoration: a suitable employment for Women,' which he illustrated by specimens of painting and paper-hanging the work of young women trained in the Government Schools of Design.

SOCIAL PROVISION.

In addition to the papers printed under this head, beginning at p. 664,

The Rev. W. WEBSTER contributed a paper entitled 'Suggestions for simplifying Plans of Social Provision,' in which he recommended life assurance as simpler and more economical than friendly societies to the working classes. His plan is as follows:—An artisan may have 20*l.* in a savings bank by the time he is twenty-two. This is his provision for sickness; and, with subsequent additions, may support a

life assurance for 200*l.* A policy for 200*l.* may be effected in many substantial offices for lives under twenty-five for an annual payment of 4*l.*; under the age of thirty-five for a premium of 5*l.* By the time this policy has been in force twelve years, he can borrow 20*l.* If he lives to the age of sixty-five, and requires provision for the decline of life, he can purchase an annuity of 10*s.* a-week with the proceeds of his policy.

Mr. THOMAS HAIGH, for forty-one years actuary of the Bradford Savings Bank, gave an account of the establishment of that institution in 1818, and its progress up to the present time, when it has 14 auxiliary penny banks, depositing 2147*l.* 10*s.* Mr. Haigh made the following interesting statement with regard to the depositors:—

Female domestic servants were our first depositors, and a classification in November, 1841, when we had 2309 depositors, gave us—

288 domestic female servants, whose deposits amounted to	£6842
65 governesses, dressmakers, &c.	1616
122 females in various other employments	3391

The long-continued scarcity of work in 1847 and 1848 taught the female factory workers a lesson. They had generally spent their spare earnings in finery; but on the return of prosperity this time, a number of them became depositors. But doubtless a great effect was produced by the experiment of Messrs. Walker and Co., who, in 1849, instead of granting a railway trip, as was then the fashion, caused upwards of 700 of their younger factory hands, boys and girls, to become depositors, by opening an account for each of them. True, a considerable number withdrew their deposits immediately; but it directed the attention of mill hands to the savings bank, and in 1852 a classification of our 6225 depositors showed that we had 598 female factory workers, and 541 domestic female servants. The servants, from having been longer depositors, had the larger amount—12,218*l.* against 9995*l.*

The Rev. J. ERSKINE CLARKE read a paper 'On Giving Interest in Penny Banks,' in which he proposed, in order to keep them to the purpose for which they were instituted, collecting the pence of the poor, and at the same time, to render them self-supporting, that they should give no interest. He instanced the successful working of several penny banks conducted upon this principle.

Mr. GEORGE GLADSTONE MACTURK gave an interesting account of the Bradford Charitable Inquiry Society. The members employ an agent to inquire into the circumstances of all applicants for charity; the result has been that one-half of these have been discovered to be impostors, and thus the fund of relief has been expended only on the really needy and deserving. Since the establishment of the society the number of professional beggars visiting the town has decreased—Bradford having lost its character among the begging fraternity as a place where imposition might be practised with impunity and profit.

Mr. C. W. SIKES read a paper 'On Post-office Savings Banks,' in which, after showing the great deficiency of savings banks throughout the country, he suggested that their absence in many towns and rural

districts might be remedied by making use of the money order department of the post-office for the transmission of deposits to a central bank. The details of the plan have been fully stated in 'A Letter to the Right Hon. W. E. Gladstone, M.P.'* The following memorandum embodies the views of some of the principal officers in the post-office as to the mode in which the post-office would propose to conduct their portion of the plan :—

When a central savings bank, with power to issue interest notes shall have been created, it is proposed—

I. That depositors shall forward their deposits by money order to the central bank, enclosing their money orders in printed forms, obtainable at the money order offices, and receiving from the holders of the money order offices any information and assistance which they may require.

II. That the central bank, on receipt of the money orders, shall forward interest notes through the post to the depositors.

III. That depositors who may desire to withdraw their deposits, shall forward their interest notes to the central bank in printed forms, obtainable at all money order offices; and

IV. That the central bank, on receipt of the notes, shall return to the depositors money orders for the amount of the notes plus the interest which may be due.

Under this arrangement, the holders of money order offices will not be required to keep any account or record of the transactions, beyond that which they now keep of all money order transactions.

MISCELLANEOUS.

The Rev. GEORGE HOUGH, of Huddersfield, urged the necessity and moral influence of right recreation. Reprobating the vitiating effects of such pleasures as gambling and drinking, he recommended the truly recreating and invigorating amusements of athletic games and excursions, and the intellectual delights of literature and science, and, in order to gain time for these, advocated the shortening of the hours of labour.

Mr. ROBERT LEACH gave an account of the origin, progress, and beneficial results of the Bradford Early Closing Association.

Mr. D. WAINWRIGHT, in a paper 'On the Objects, Methods, and Success of Young Men's Christian Associations,' stated that the first Young Men's Christian Association was established in London sixteen years ago, its object being to provide a social influence to counteract the evils to which young men were exposed without homes, society, or objects of pursuit, and with the depressing effects of late business hours, causing them to seek relaxation at any cost. They differed from mechanics' institutes chiefly in their religious basis. Since 1844, 107 associations have been established in Great Britain in union with the parent society. Their methods are various, as the religious or the mental element prevails. In London, lectures have been given on literary, scientific, and religious matters indiscriminately, whilst classes are in operation for Greek, Latin, French, German, mathematics, &c.; and in Bradford, Greek, mental philosophy, and English history are pursued, along with classes for discussion. Young men in

* Published by Groombridge and Son, Paternoster-row, London.

the ordinary pursuits of life were thus brought to employ their thoughts on subjects which a few years ago were considered as the property of professors and professional students. The mental stimulus of such pursuits roused new energies, and recreated those exhausted by toil, and in this blending of mental progress with religious principle, the ends of these associations were attained.

Mr. JOHN LILWALL, in his paper 'On the Enslaved Condition of the Journeyman Baker,' * stated that in London, as also in some of the larger provincial towns, the journeymen bakers are required to work both night and day, commencing their labour at 11 P.M., and rarely finishing before 4 P.M. the following day. In a large number of cases, the men worked continuously on from Thursday night till Saturday afternoon, in all about 40 hours' labour at a stretch Taking it altogether, it would be found that a large proportion of them were employed weekly for the almost incredible period of 112 hours, averaging upwards of 18 hours per day out of the 24, reckoning six days to the week. The only respite they had during the period they were occupied was time to snatch their meals, and from an hour to an hour and a half during the night, when they laid themselves down on the hard boards in the bakehouse, breathing all the time the same hot and impure air which they inhaled during the period they are employed, and not daring even for that short interval to trust themselves to sleep soundly, lest they should oversleep themselves, and thus spoil the bread. Mr. Lilwall went on to show, that the evil of overwork was greatly aggravated by the circumstance that nearly the whole of the London bakehouses are underground, with bad drainage, that they were, in short, the veriest dungeons, being dismal, dirty, and pestiferous, frequently making the men quite sick. He also stated as another crying grievance, that there was, in too many instances, an utter absence of proper sleeping accommodation, and that in the case of some of the 'underselling shops,' there were no bedrooms of any kind provided for the journeymen, who, consequently were obliged to sleep in the bakehouse on the hard boards, or on sacks, as best they could. He then adduced evidence to show the injury inflicted upon the health of those men by the evils to which they are exposed, quoting among other eminent authorities, Dr. Guy of King's College, who states that they are 'an extremely sickly body of men.' To show the exhaustion which they suffer, Mr. Lilwall stated that a master baker had informed him that, when a journeyman, he has often after ringing the bell at the house of a customer, fallen asleep before the servant could reach the door, and that after returning home, and when taking his tea, he had frequently 'dropped off' with the food in his mouth. Most unhappily, he said, the evil did not stop here, the consequences of the system to the higher nature of the men being still more melancholy and ruinous. One man had told him, that out of nine journeymen who were employed in the same establishment, no one excepting himself ever entered a place of worship. Another man had informed him that 'he had lived in Lon-

* Published by Kent and Co., Paternoster-row.

don about fifteen years, had resided in six different establishments, and that he could not remember the case of one single fellow-workman attending a place of worship regularly during the whole of that lengthened period.' It was said that the men are so languid that they often do not so much as change their dress on Sunday, but either sleep during the part of the day when they are not engaged with the 'bakings,' or spend their time in drinking at houses of call. Mr. Lilwall then described what measures had been taken by Lord Ebury, Dr. Guy, and other philanthropic persons to improve the condition of this sadly oppressed body of men, referring also to the movement which has recently been commenced in the metropolis on their behalf. The great object aimed at was to abolish night-work, and to restrict their period of labour to 12 hours per day, inclusive of meals. If the public, he said, would but deny themselves the unwholesome luxury of hot rolls for breakfast, there would then be no real necessity for the men beginning work before half-after five or six o'clock in the morning. He mentioned that several master bakers had already arranged for their men to commence at 4 A.M. in lieu of 11 P.M., and suggested that the public should support the tradesmen who had thus taken the initiative in this important social reform. Mr. Lilwall thought that while an appeal to Parliament was in the abstract undesirable in such cases, nevertheless, where such grave evils existed, and if it should ultimately prove that they could not be suppressed by any other means, it would then be incumbent on the legislature to interfere as had been done with such beneficial results in the case of the Factory Act.

Dr. OGLE contributed a paper 'On Professional Remuneration,' in which he proposed that physicians should be paid, or rather pre-paid, yearly for attendance within certain hours, with special fees for special services.

Mr. S. BROOME sent a communication showing the good effects of encouraging flower gardening among the working classes.*

Mr. J. C. WILKS, in a paper 'On Bastardy in the Rural Districts,' pointed out the prevalence of this evil in the southern counties of England. Among the causes which promoted that prevalence, he enumerated the healthy animalism of the country people, and the weakness of safeguards, moral principle, self-respect, and public opinion. He remarked that, connected with this animalism was the low estimation in which, from earliest boyhood, the English labourer is accustomed to hold the other sex. Much might be done during the time of school training towards educating the sexes in a proper regard for each other, and herein consisted the great value of mixed schools. Their healthy moral effect, when well managed, was very great. With regard to the want of religious or moral principle, he said, 'The religious teaching of our parochial schools has too often very little of the practical in it. Go into a village school, and you will notice some nice-looking girl, who is the special pet of the parsonage. Always respectful, regular at school, unfailing at church,

* See *Transactions*, 1858, p. 641.

her voice in every response, overflowing with catechism, texts, and hymns, she is the pattern child of the school. Wait a few years, and then ask after that girl. You learn that she is now one of those unwedded mothers who are an astonishment and perplexity to the good rector's wife. For the poor girl's instructors forgot to arm her against the real dangers that surrounded her.' On the want of self-respect, he said, 'The spirit of pauperism, like a foul cancer, is eating out the very heart and vigour of the people, too often fostered by the benevolent friends of the poor. When in the benevolent lady the love of power is combined with a narrowness of thought and a pettiness of temper, the effect upon the poor to whom she attempts to minister is very demoralizing. The love of patronizing the poor and constantly interfering in their concerns, does much to break down their self-dependence and self-respect.' It is hard for the English labourer to keep a spirit of self-dependence and self-respect with the pauperizing influences of the hall and the parsonage against him, and the farmer doing all in his power to hold him in a position of serfdom. But the grand obstacle in the way of raising the standard of morality amongst the peasantry, Mr. Wilks holds to be the low state of public opinion among them. Connected with these two last causes is the encouragement given by the Poor-law. The peasant girl knows that she will receive a weekly out-door allowance for her child, and she reckons upon it as so much addition to her income. For the remedy of this evil, our hope must be in those who shall hereafter be the wives and mothers of English peasants. Healthful amusements, an interest in the world of nature and of books, singing, taste in dress, whatever increases their mental resources and elevates them in their own esteem, would tend, he believed, to strengthen their virtue. Open and honourable courtship he insists upon. 'It is a melancholy fact, but they will keep company in spite of the clergyman and his ancient ladies; the only question is, whether it is to be open and honourable, or illicit and clandestine meetings in the public-house. It is much to be lamented, but they will dance; the only question is, shall the holiday dance be on the village green, in the presence of their elders and betters, or shall it be in the large room at the not very respectable "Three Bells."'

Mr. William Wood contributed a paper 'On Benevolent Efforts for the Protection of Chimney-sweeping Climbing Boys, with some examples of the cruelty of the system.' This paper contained startling facts as to the prevalence in some parts of England of the practice, effectually put down in London and other large towns, of employing children in sweeping chimneys, a practice invariably productive of cruelty and degradation, and as unnecessary as cruel. To state the existence of this evil, is to help to put it down entirely.

Mr. P. H. Holland read a paper 'On the Loss of Life in Coal Mines.' The chief object of the paper was to show, first, the extraordinary proportion of deaths from accidents among colliers, caused to a great extent by disregard of precautionary arrangements legally ordered to be observed; and, secondly, to prove that, if the loss occasioned by

avoidable accidents were borne by the coal owners, they would in all probability be greatly diminished in frequency, and at least that the sufferings occasioned by them would be greatly mitigated. Among a collier population of less than a quarter of a million, a thousand are annually killed, being more than four per thousand, which is eight or ten times the average of deaths from violence, excluding dangerous occupations, homicides, and suicides. Mr. Holland contended that if, in addition to penalties for non-observance of regulations, coal owners were compelled to compensate those injured, or the families of those killed, in consequence of such legally-punishable neglect, accidents would both be less frequent, and also suffering less severe from those which did happen. At present it is difficult for a collier to get substantial damages, and doubtful whether a claim for compensation can be maintained at law, unless the accident be the proved consequence of the defendant's direct act or default, whereas it is generally from the act or default of some person employed by him, *i. e.*, of a fellow servant of the sufferer. The theory of the law appears to be, that a man by undertaking to work undertakes to bear all its risks; but it is unjust to assume that he legally undertakes to bear illegal risks, and risks are illegal which arise from neglect of precautionary regulations which the coal owner or his servants are punishable for neglecting. It is unjust that the sufferer from such should not be able to enforce compensation, still more palpably unjust is it that the widows and orphans of those killed should be thereby reduced to pauperism, or the cost of their maintenance thrown upon the wholly innocent ratepayers.

At present coal owners who do obey the law, by adopting the precautions ordered under the authority of the Act, are obliged to sell their coal in competition with those who save such expenses, and cruelly expose their men to needless danger. If all were obliged either to adopt precautions alike, or pay for injuries apparently resulting from their neglect, unless it were proved they did not so result, those who do now obey the law would be protected against the unjust competition of those who do not, and it would soon become evident to all—what the most enlightened coal managers are well convinced of—that the good management which saves life saves money also, if the money losses of personal injuries were borne, as they ought to be, by those who cause them. It ought to be sufficient, in order to enforce compensation for the sufferer or his family, to prove that some precaution legally ordered to be observed has been neglected either habitually or in this particular instance, either by the master, or by those whom he alone can effectually control, and that the neglected precaution was the probable cause of the injury; no proof, on the contrary, being given that it was not the real cause. If, for example, a mine explodes, it proves, first, that the Act of 1855 has not been obeyed, which directs that 'an adequate amount of ventilation shall be constantly produced in all collieries, to dilute and render harmless gases to such an extent as that the working places of the pits and levels of such collieries shall, under ordinary circumstances, be in a fit state for working,' and it

also renders nearly certain a breach of the special rule by which colliers are forbidden to enter any mine until it shall have been examined by means of a lamp, and found safe.

If the simple and common rule were universally followed, of not allowing any unprotected light in any mine, unless and until the part of the mine worked was found safe, there could be no explosions, except in those rare instances in which an explosive mixture of gases and air is rapidly formed. Mr. Mackworth reported that 72 out of 73 explosions, and 171 out of 172 deaths, were attributable to the use of naked lights, and that out of 1154 deaths from explosions reported in five years, 12 only occurred where safety lamps had been used, all of which were in a defective state. Mr. Kenyon Blackwell's evidence confirms this. He says that 'out of 1099 deaths, 7 only were with safety lamps, and adds that no instance has been properly authenticated of explosion from a proper safety lamp; and in the most dangerous mines of England, where the discharge of fire-damp is greatest, but where locked safety lamps are exclusively used, explosions are almost unknown.'—(Colliery Report, 1857, p. 123.)

In the northern district, where nearly one-fifth of the total colliers are employed, the average number killed per annum by explosion is only 21, out of a total of 248. If the average loss of life were reduced, as with equal care it might be, to the average of the north, instead of 1984 killed during the last eight years, there would have been only 845. That is to say, that 1139 have been needlessly killed in eight years, and that 142 lives are annually thrown away, because the precautions proved to be effectual in Durham are not observed in Yorkshire, Lancashire, Staffordshire, Wales, &c. If those simple precautions were universally observed, loss of life from explosion would be rare indeed.

Is it unreasonable to expect that the safety of all mines shall be raised to the standard of those of Durham, which are naturally among the most dangerous? Is it too much to require that the Act directing due ventilation shall be obeyed, and that the possibility of having an unguarded light in an explosive atmosphere shall be prevented?

The most dangerous part of the collier's employment seems to be in the shaft, for though most of them pass but a small portion of their time in or near the shafts, more than one-fifth of the deaths occur there. That many of these dangers may be guarded against is proved by the fact that many of them occur which the most simple precautions would certainly have prevented. For instance, men could not be killed by falling stones or coals if the cages were properly covered. Few are thrown out of the baskets or skips when cages with proper guide-rods are used. Few are drawn over the pulleys when there are proper indicators, signals, and breaks, and when the engine-driver's attention is not distracted by other duties. To neglect such means of safety is penal, but they are neglected, because their observance causes expense and trouble, and is not evidently and directly remunerative, though indirectly highly profitable.

Can it with any show of justice be contended that those who cruelly

and illegally permit accidents so destructive of life to occur, which they might so certainly prevent, should be allowed to throw upon others the cost of maintaining those thereby reduced from comfort to want? Upon whom ought such loss justly to fall? Clearly not upon the families of those killed, who must inevitably suffer so deeply in addition to pecuniary loss, and who have done nothing to cause, and could do little to prevent, their misfortune. Clearly not upon the charitable, who have difficulty in meeting other claims on their benevolence. Nor upon the ratepayers of the parish which is so unfortunate as to be the scene of such disasters. It is clear that those alone who profit by a dangerous employment should pay for its risks, and that any loss which might have been avoided by care should fall as exclusively as possible upon those who could and who ought to observe and enforce precautions.

The cost of precautions, and of accidents which occur in spite of them, should be borne by the consumers of coal. The loss occasioned by accidents which might be avoided, but are not, should be borne by those whose culpable negligence or cruel parsimony was the cause of them.

This just and beneficial result might be attained by one of two plans —by such an extension of Lord Campbell's Act as would secure compensation to the families of those killed apparently in consequence of the neglect of any of the precautionary regulations legally ordered to be observed, unless it can be proved that the death was caused by the deceased himself. In short, that proved neglect, the probable cause of the injury, should be *primâ facie* evidence that it was the real cause, and that coal owners should compensate for injury suffered by those they employ in consequence of breach of law either by themselves or by their agents. The object would, however, be much more perfectly attained if no one were allowed to work in any colliery without being insured against death by accident, to a sufficient amount to secure his family from destitution, which would have the effect of compelling those to bear the loss who profit by the labour, and who can most control the result.

The effect might possibly be to raise the price of coal in an inappreciable extent. A single penny a ton on the 66,900,000 tons annually raised, would be 278,750*l.* a year, or more than enough to purchase annuities equal to 10*s.* a week for an average of ten years, for the families now rendered destitute by a thousand colliers being annually killed, even supposing, contrary to all probability, strong motives for extra precaution produced no extra safety.

Can it, however, be doubted how such a plan would operate? For instance, Lundhill Colliery exploded because it was not worked with safety lamps, and 189 persons were killed. There is no intention of holding up the proprietors to special reprobation; probably they were advised that to use the safety-lamps was an unnecessary expense. After the explosion some lamps were found open.

Would lamps which could not be opened, and which might have been supplied to every miner for less than 100*l.*, have been thought an

unnecessary expense if the alternative had been either using them or paying, say 100*l.* every year, extra insurance against death by accident? Is it not morally certain that locked safety-lamps would alone have been used, that most of the 189 then killed would be now living, their wives would not have been widows, nor their children orphans, their mothers childless, nor their households desolate; or, if contrary to all reasonable expectation, and notwithstanding all care, the explosion had happened, a whole village might indeed have had to mourn for their dead, but would not have been pauperized. Mothers would have wept over their orphaned children, but the holiness of their grief would not have been mixed with fear of seeing those children pining from want, or of being compelled to consign them to the workhouse. Where the plan failed—and it would rarely fail—in preventing such catastrophes, it would at least alleviate the disaster.

It may probably be objected that it would be unjust for Parliament to insist that colliers shall be specially protected against death by accident, unless prepared to apply the same principle to all other workmen. It may be true that the principle ought to be extended to other workmen, but that is not a necessary consequence. Parliament has already determined that a class exposed to such excessive and peculiar dangers as colliers, shall be protected by special law, and Parliament may quite consistently determine to increase that special protection without being justly called upon to extend it to other classes of workmen, for whom the necessity for protection is less glaringly apparent. Colliers require more than usual protection, because they are exposed to peculiar danger, are more isolated from the rest of the community than most other workmen, and therefore less than others under the protection of the ordinary law and of public supervision, and because accidents among them are not only more numerous, but when they occur, as they often do, so as to destroy many men in one little village, they are productive of misery more than usually intense.

The question, then, is not the expediency and duty of extending special protection against special danger, for that is admitted by the Act of 1855, but rather to determine how that special protection, so urgently required, can be most effectually, and with least annoyance, extended. Would it not be better, instead of very greatly increasing the number and authority of the inspectors, and the severity of penal law, to throw the responsibility of the loss produced by accidents upon those who can do most to prevent them?

If it be objected that it is hard to select coal-mine owners as the only victims of such new legislation, who are very likely not more negligent of their duties to their workmen than other employers, it may be replied that the effects of their negligence are more evident. That the loss of a thousand lives a year out of less than a quarter of a million employed, together with a still greater multitude lamed, crushed, blinded, burnt, and injured in every conceivable way, is too great an evil to be left unredressed; and unless it can be shown that in any other trade the men are as much exposed, as helpless, and their

class as easily defined, it is just to require that colliers should be protected more than others. It may, moreover, be reasonably asserted that the effect would be beneficial to such owners as do their duty of protecting their workmen from illegal risks, by sheltering them from the unfair competition of those who unjustly and cruelly avoid the expenses of precautions they are by law ordered to observe and to have observed.

It would not be an unjust or impolitic extension of Lord Campbell's Act to include under its protection colliers who are injured by the illegal act of their masters, or of those employed by them, by making them liable for the cost of maintenance of the families of those killed in their employ, unless the accident were the fault of the sufferer himself; for it is clear that in every other case the accident must have been the result either of bad management or of the inevitably dangerous character of the employment. In the first and largest class of cases, the owners clearly ought to pay, and in the last, it is more just and politic that the inevitable losses attending the getting of coal should be paid in the form of a slight and scarcely appreciable increase to its cost than that the families of those killed in getting it should be reduced to abject want, and the ratepayers burdened for their support; especially is it expedient, as the certain result would be to direct the same degree of attention, care, skill, and outlay to prevent accidents, as are now employed in improving the economical working of mines, and probably with as much success.

Although a system of life assurance would undoubtedly be very beneficial to the men employed, to their families, and to the public generally, and probably to the coal owners themselves, the expediency may be doubted of attempting to enforce it by law. There can, however, be no doubt those who should, because they alone effectually can, enforce precautionary regulations, the observance of which is authoritatively directed, ought to be held civilly responsible for neglect which is both morally and legally criminal, and that the loss occasioned by such illegal neglect ought not to be borne exclusively by the innocent and helpless families of the sufferers.

THE END.

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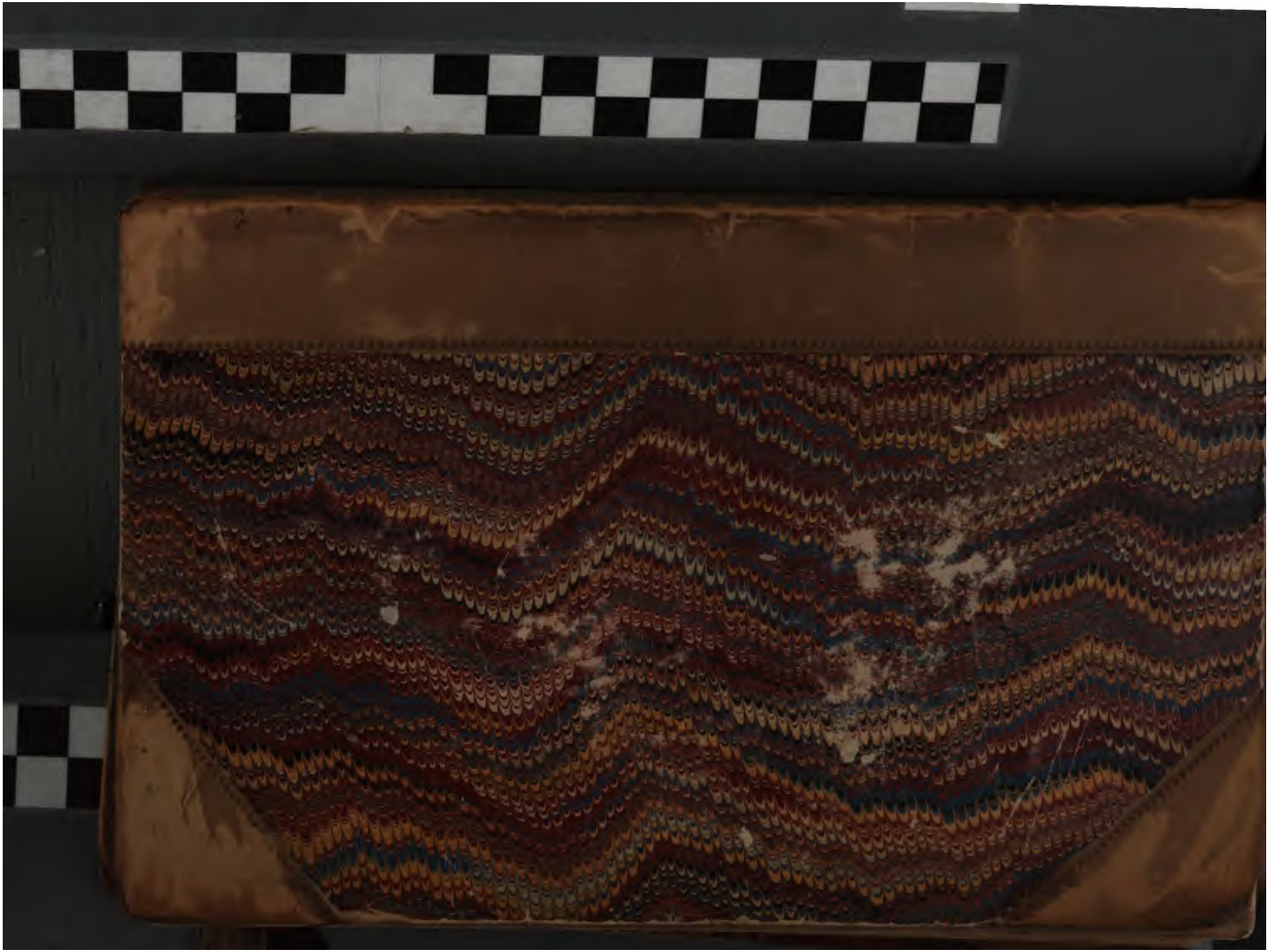
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